



forests



rivers



wildlife



recreation

# CLARK COUNTY CONSERVATION FUTURES LEGACY LANDS

## Program Guidance Manual

A program of Clark County Environmental Services

June 3, 2013



*Preserving our community's  
legacy of open spaces*

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(360) 397-2121 [www.clark.wa.gov/environment](http://www.clark.wa.gov/environment)



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### **NOTE:**

This document, along with other Legacy Lands program information is available on the Clark County website: [www.clark.wa.gov/legacylands/index.html](http://www.clark.wa.gov/legacylands/index.html)  
Text in document that is GREEN is hyperlinked to the appropriate reference.

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# Chapter 1

## GENERAL INFORMATION

### History

The “Conservation Futures” legislation is part of [Chapter 84.34](#) of the Revised Code of Washington. The Board of County Commissioners (BOCC) adopted the Conservation Futures levy in October 1985 as [Clark County Code Chapter 3.24](#). The general purpose of the legislation is to conserve open space, farm land, and timber land, as defined by the statute. This manual, an update to the 1997 manual, explains how the Clark County *Conservation Futures Program* (CFP) operates including relevant legislation, program, policies and procedures.

The goals and objectives of the *Conservation Futures Program* (also known in Clark County as *Legacy Lands*) are aligned with the following legislative declaration:

**“RCW 84.34.200 Acquisition of open space, etc., land or rights to future development by counties, cities, or metropolitan municipal corporations—Legislative declaration—Purposes.**

.... [development is] eliminating, numerous open areas and spaces of varied size and character, including many devoted to agriculture, the cultivation of timber, and other productive activities, and many others having significant recreational, social, scenic, or esthetic values. Such areas and spaces, if preserved and maintained in their present open state, would constitute important assets to existing and impending urban and metropolitan development, at the same time that they would continue to contribute to the welfare and well-being of the citizens of the state as a whole.....”

### Vision

Clark County’s diverse natural landscape is made up of broad river valleys, narrow river canyons, wetlands, lakes, riparian zones, forests, mountains, meadows, foothills and farms. The *Conservation Futures Program* protects these lands highly valued for habitat, scenic corridors, recreation and other qualities that enhance our local environment and livable community.

### Mission

The Clark County *Conservation Future Program* (Legacy Lands) will create an interconnected greenway system to protect the environmental integrity of our community.

### Goals

- **Coordinate with community jurisdictions** to strategize on priorities for conservation
- **Acquire and make available to the public** properties that enhance recreational opportunities, including connections to developed parks and trails
- **Leverage partnerships and funding** to acquire conservation properties
- **Complete projects that protect and enhance** water quality, wildlife habitat and environmental connectivity with appropriate restoration techniques
- **Provide public outreach** to educate the value of conservation protection
- **Develop and implement clear maintenance and operational objectives** for each site including the use of partners and volunteers, through the development of stewardship plans

## Program Overview

The Conservation Futures Program (CFP) was put in place to protect valuable open space from threats such as urban development and habitat degradation. These open spaces are of varied size and character, including many devoted to agriculture, the cultivation of timber, and other productive activities. Other sites may have significant recreational, social, scenic, or aesthetic values. Such properties, if preserved and maintained in their present open state, would preserve a vital “green infrastructure” that connects our community. These properties would continue to contribute to the well-being of the citizens of our community and state. Conserving green spaces help to protect our water and air, preserve corridors for wildlife and protect our historically significant sites. The acquisition of interests or rights in real property for open space preservation constitutes a public purpose for which public funds may properly be expended or advanced within this program.

This *Guidance Manual* describes the framework for the CFP and how it operates in Clark County to protect and preserve open space for future generations. There are several complimentary documents for this program that should be referred to as citizens consider this program (outlined in Figure 1):

- **The Conservation Areas Acquisition Plan** (2004, to be updated in 2013) – The CAAP articulates the acquisition strategies, prioritization structure for properties, the public involvement and potential funding support for the program (including partners and stewardship); and, details the key natural areas for acquisition by both the county and eligible agencies (project sponsors).
- **Stewardship Plans** (in progress for each management unit) – Program staff develop stewardship plans for each conservation management unit within Clark County. These plans identify conservation property locations, document existing conditions and articulate the goals and objectives for the properties, including conservation, maintenance, and recreation activities. The documents are meant to guide the future planning and development of properties to reach the full conservation potential, as well as public access for the sites.
- **The Clark County Property Management Guidelines** (2012) – Property management guidelines were prepared to direct the county in property management activities, increasing efficiency by identifying opportunities to share land and services. The guidelines outline the various county agencies’ responsibilities and procedures for planning, maintenance, acquisition, records documentation, management leasing and surplussing county-owned properties.

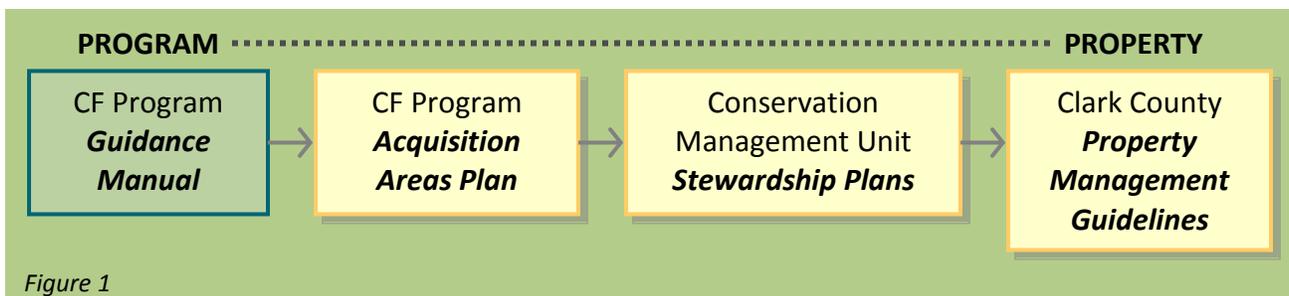


Figure 1

Clark County meets the intent of conservation futures legislation by:

1. **Practicing current use assessment** which provides tax incentives for property owners who leave qualifying tracts of land in open space, or who continue to manage property for timber or agricultural production. [CC Chapter 3.08, Ord. 1982-02-65]. Refer to the [Assessor's office website](#) for more information on this program.
2. **Use of the Conservation Futures levy.** The statute authorizes boards of county commissioners to impose by resolution a property tax of up to 6-1/4 cents/\$ 1,000 assessed value on all taxable property within a county for the purpose of acquiring fee simple or lesser interest in open space, farm land, and timber land. [CC Chapter 3.24, Ord. 1985-10-86]

## Levy Implementation

The BOCC adopted the Conservation Futures levy in October 1985. In implementing this program, the Board applied the levy at the rate of 6-1/4 cents/\$ 1,000 assessed value for the five-year period 1986-1990. On August 2, 1989, in public hearing, the Board of County Commissioners extended the Conservation Futures levy indefinitely.

The use of the Conservation Funds is to be distributed equitably throughout the taxing district per *Revised Code of Washington* (RCW) language (84.34.240 (2)). This distribution fits with the mission and goals of Clark County's use of the program to create an interconnected system of green spaces and corridors throughout Clark County and its communities for the benefit of all citizens. The program procedures attempt to align with the State of Washington *Recreation Conservation Office* (RCO) guidelines to the extent possible to ensure compatibility with their program goals as well as to be eligible for grants through their funding streams.

## Funding Considerations

The Conservation Futures levy funds may be used for:

- **acquiring fee simple** or lesser interest in open space, farm, and timber land as defined by the statute. The statute expressly forbids the use of eminent domain for acquiring property;
- **acquiring mineral rights** (sponsoring agencies may enter into leaseback agreements);
- **acquiring rights and interests** in real property; and,
- **maintenance and operation of any property** acquired with these funds (not to exceed fifteen percent of the total amount collected from the tax levied in the preceding calendar year). This includes the management of the program.

Other sources of revenue may be used to improve properties acquired with Conservation Futures funds, provided any improvements fall within the intent of the legislation. Included in *Appendix E* is a Clark County Prosecuting Attorney legal opinion discussing the level of improvements that would be allowed. In those cases where only development rights are acquired, the sponsoring agency should also be aware that any improvement may lead to a "gift of public funds" problem because the underlying owner is not the sponsoring agency.

Types of funding that have contributed to the *Conservation Futures* projects in the past, and may be considered in the future, include:

Table 1

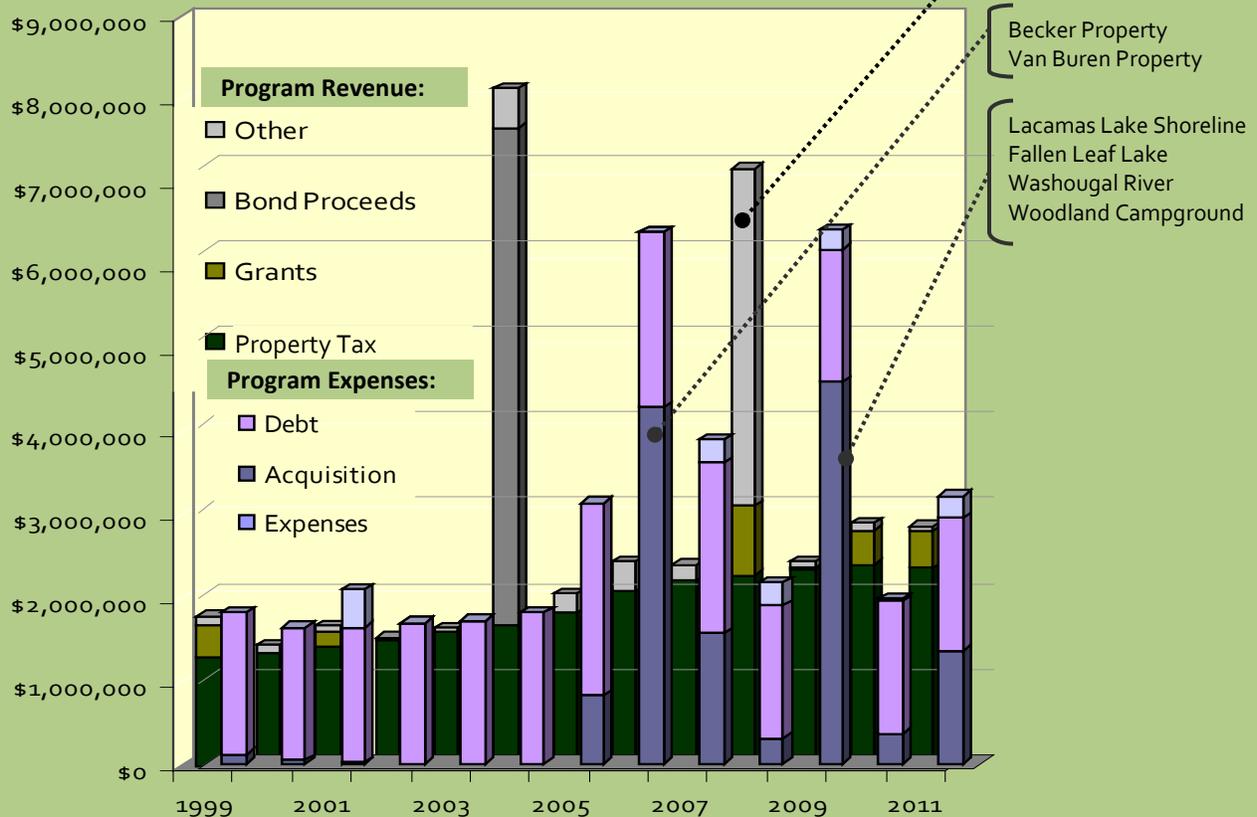
Type of revenue	Use	Note
Conservation Futures Levy	Acquisition, O/M, management	Primary funding source
Regional Real Estate Excise Tax	Site improvements/restoration	As funds are available
Park Impact Fee	Acquisition, capital development	Managed by Parks dept.
Recreation Conservation Office	Acquisition, capital development	Per grant cycle
Dept. of Ecology grants	Site improvements/restoration	Per grant cycle
DNR Trust Land transfers	Acquisition	As available
USDA NRCS programs	Acquisition and restoration	Farm/ranch/wetlands
USDI programs	Acquisition	NAWCA through USFWS
Land/Water Conservation RCO	Acquisition, improvements	As available
LCREP Habitat Restoration prog.	Restoration	Per grant cycle
Lewis River Aquatics Fund	Restoration	PacifiCorps
East Fork Lewis River Legacy Fund	Acquisitions, improvements	Community Foundation
Donations	Acquisition, capital development	Coordinate with partners
General Fund *	Operations and maintenance	As available for maintenance

*\* Other revenue sources that support this program include the timber payments and leases (e.g. house rentals, agricultural leases, use agreements, etc.) from the individual properties. These are managed in a separate line item in the County's general fund to support the program expenses.*

The funds that are collected from this levy are managed by the Environmental Services Department in a dedicated fund within the bi-annual budget. Program staff tracks all program revenues as well as expenditures against the fund. Typical expenditures include acquisitions (including property costs, processing requirements, etc.) as well as program management and maintenance expenses. Expenses may be incurred from several county departments as described in the later sections addressing management, operations and maintenance activities. The Legacy Lands program manager is responsible for all grant coordination with appropriate county staff and granting agencies.

The following figure (Figure 2) represents general revenue collections and expense spending since 1999 in Clark County for the *Conservation Futures Program*. More detailed information may be found in the program records, including specific property and project information. A summary of the acquisition history is provided in Appendix G.

Figure 2 – Program Revenue and Expenses – 1999-2011



### Conservation Futures Participants

Agencies eligible to utilize levy funds under provisions of the Conservation Futures legislation include "... Any county, city, town, metropolitan park district (MPD), 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..."

Within the boundaries of Clark County, the following political jurisdictions have been identified as eligible applicant agencies (this list does not preclude eligible not-for-profit conservation organizations from making application, such as a land trust or MPD).

- |                       |                    |                   |
|-----------------------|--------------------|-------------------|
| Clark County          | City of Camas      | City of Vancouver |
| City of Battle Ground | City of LaCenter   | City of Washougal |
| Town of Yacolt        | City of Ridgefield | City of Woodland  |

Historically, the *Conservation Futures Program* has benefited properties geographically throughout Clark County as shown on the map at the end of this chapter (Figure 4). Over 4,000 acres has been purchased throughout the program's inception.

## Program Schedule

The CFP is an on-going program that will utilize the following schedule for the various components of the program:

- **Conservation Futures Program Guidance Manual** – update every 10 years to reflect current business practices
- **CFP Acquisitions Area Plan** – update every 10 years to reflect current priority areas
- **CFP Six-year priority list** – updated every year to showcase 6 years of priorities
- **CFP proposal applications** – annual submittals every fall

The CFP will utilize the *Acquisitions Area Plan* to review the strategic priorities of the program when developing a six-year priority list of conservation projects. The priority list will be based on applications submitted by eligible agencies (application form available in *Appendix A*). The CFP will accept applications for properties on an annual basis. All eligible agencies will receive public notification that the county is accepting applications for acquisition funds. Notice will be delivered at least eight weeks prior to the due date for submitting completed applications.

The CFP will utilize a BOCC-appointed citizen advisory commission to evaluate projects for inclusion into the 6-year priority list. Program staff will review all applications for completeness and prepare the information for review by the commission. Commissioners will utilize the evaluation questions and criteria listed in this document in consideration of scoring the various projects. Projects will move forward for acquisition based on available funding (both through CFP and contributing funds) and approval from the BOCC.

## Program Management and Coordination

Clark County is the managing jurisdiction for the *Conservation Futures Program* in our community. The application and project evaluation process is managed for Clark County through the Department of Environmental Services, Legacy Lands Program. Program staff coordinates with the county's designated real property acquisition staff, prosecuting attorney, GIS staff as well as partner agencies and organizations. Project files are kept with all appropriate correspondence, application information and necessary documentation for the future property file. Program staff manages all aspects of the acquisition per the *Clark County Property Management Guidelines*.

All applications, questions and correspondence on the program are encouraged to contact:

Department of Environmental Services  
1300 Franklin St., PO Box 9810  
Vancouver, Washington 98666-8910  
(360) 397-2121

## Existing Property Uses

The properties that were acquired through conservation futures funding meet the legislative intent of the funding. The fifty (50) conservation properties in Clark County serve a variety of

purposes for a diverse set of users. Some of the properties are utilized as regional parks with multiple uses, including active recreation areas, trails, passive use areas, and wildlife habitat areas. Several properties that have been acquired serve as habitat and water quality protection sites only with limited recreational value.

It is beneficial to document the intent for each property and the level of future use. Many of the project files have this information documented for future reference, especially in the original project funding application. Several properties that are slated to become future regional parks will require the development of a master plan that will clarify the future site priorities, partners, funding, site amenities, challenges and phasing. Any site development planning will require a level of public outreach and input to ensure all opportunities for the site are applicable.

### **Program Maintenance and Operations**

The county utilizes several techniques for the maintenance and operations of properties. County-run maintenance activities may utilize some of the levy funds for property management activities. In some cases, properties are acquired by the county with conservation futures funds and are then transferred to other agencies and jurisdictions for long-term property management, operations and maintenance. Projects sponsored by other jurisdictions and organizations are often acquired by the sponsors with financial support of conservation futures. In such instances, project sponsors are responsible for maintenance and operations immediately upon closing of the purchase.

***Clark County Environmental Services.*** DES utilizes trained Vegetation Management staff to assist in the control of noxious weeds on county-owned conservation properties. The Vegetation Management division also executes many of the enhancement projects on the properties, such as restoration plantings.

***Clark County Public Works.*** Public Works Parks Maintenance staff has the trained staff and resources to maintain many of the county-owned conservation properties. Scope of activities may include basic maintenance operations such as mowing, tree pruning, garbage pick-up, facility maintenance, and basic site repairs. The list of activities may change based on available funding and staffing resources as well as property priorities.

***Vancouver-Clark Parks and Recreation Department.*** VCPRD provides a variety of operation functions for county-owned conservation properties including:

- *Customer service:* responses to public issues, complaints and concerns about properties.
- *Leases:* negotiates and manages leases on properties including agricultural and housing leases.
- *User services:* manage all fee collection programs (parking), use agreements, [Park Special Use permits](#), and coordination of other recreational programming.
- *Planning and acquisition:* management of the Park Impact Fee program that is used for property acquisition
- *Design and development services:* VCPRD has historically provided planning and design services for site enhancements on conservation properties for user amenities and facilities, such as property

master planning, trailhead improvements, signage, trails, etc. VCPRD will be consulted for future site improvement needs.

- *Enhancement projects:* VCPRD managed Americorps teams for many years that completed restoration, monitoring and site enhancement projects on county-owned lands, including conservation properties, but the program was eliminated in 2011 due to budget cuts. Records of Americorps projects are on file with program staff.

**Clark County Volunteer Coordination.** County staff assist in the coordination of volunteers through single-event volunteer clean-ups, adopt-a-site, or service projects ([www.parkhero.org](http://www.parkhero.org)). Some service projects include neighbors or scout groups that assist in special projects or capital improvements.

**Partner Agencies.** Numerous fish and wildlife habitat restoration and enhancement projects are made on conservation properties as well as public access and site facility improvements. These projects typically involve numerous partners and funding sources, including capital grants. It is anticipated that the Conservation Futures Program manager will continue to work with partners to improve the resource value, property integrity and public access to all conservation properties. Examples of past partnership work include:

- **Fish First** – habitat improvements
- **Lower Columbia Estuary Partnership** – habitat improvements and public education
- **Lower Columbia Fish Enhancement Group** – habitat improvements
- **Ducks Unlimited** – habitat improvements
- **Clark Public Utilities** – restoration plantings

## Program Planning

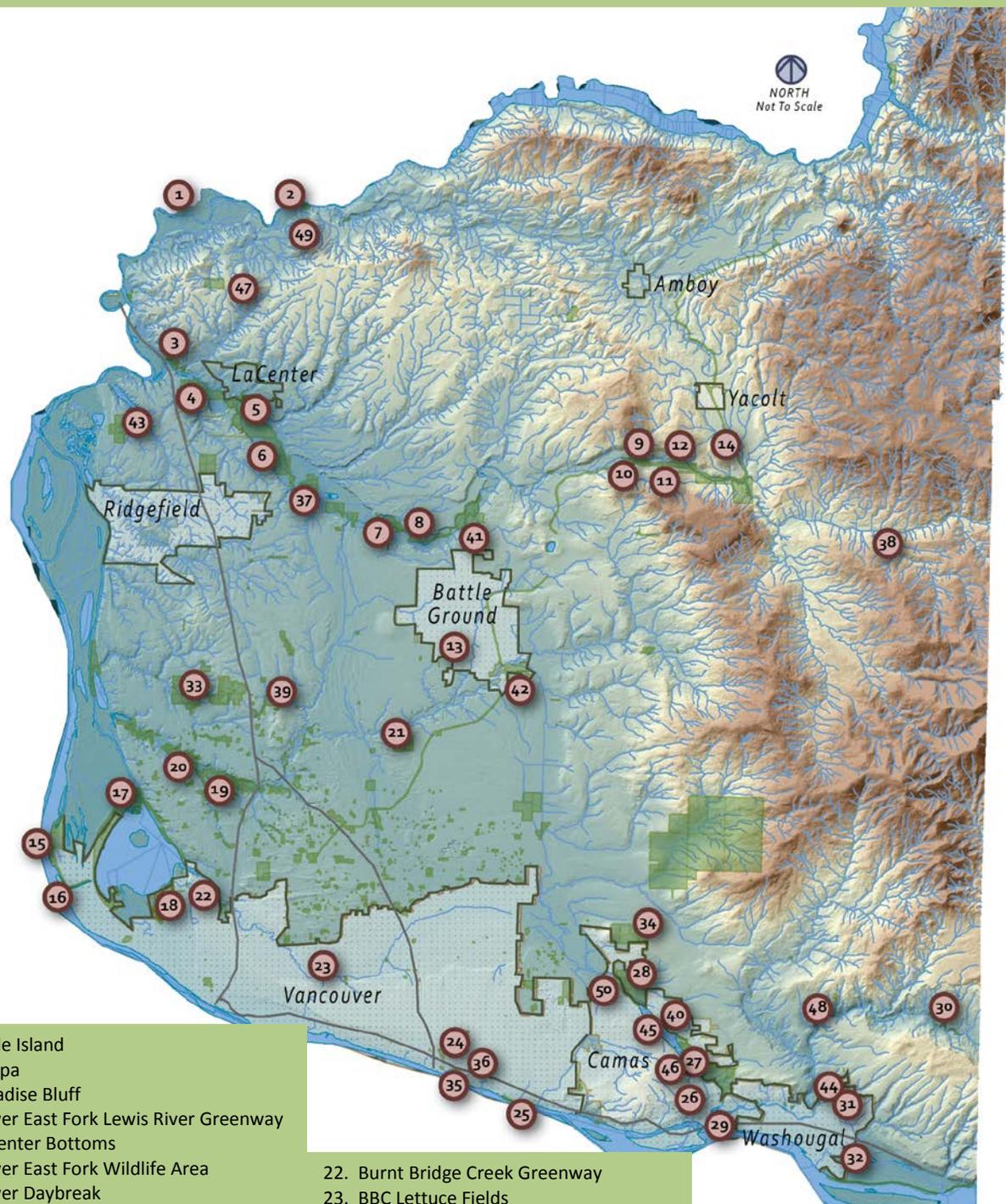
The Conservation Futures Program incorporates input on conservation priorities from several sources during the *Conservation Areas Acquisition Plan* and individual project efforts with local stakeholders. Many long-range and strategic plans prepared by partner agencies and organizations are critical to identifying conservation priorities for our community, including, but not limited to:

- *Clark County Comprehensive Plan*
- *Vancouver-Clark Parks and Recreation Comprehensive Parks, Recreation and Open Space Plan (2004)*
- *Clark County Regional Trail Plan (2006)*
- *Clark County Equestrian Plan (2011)*
- *Clark County Agricultural Preservation Report (2009)*
- *Shoreline Management Plan (2012)*
- *Clark County Stormwater Management Plan*
- *Comprehensive Plans and property Master Plans prepared by other jurisdictions*
- *Various sub-area plans*
- *Lower Columbia Salmon Recovery and Fish & Wildlife Sub-basin Plan*
- *Lower East Fork Lewis River Aquatic Habitat Restoration Plan*
- *Department of Ecology Watershed Management Plan (WRIA 27 & 28)*
- *The Intertwine Conservation Strategy (Regional Conservation Strategy Plan)*

- *Washington Department of Fish & Wildlife 2011-2017 Strategic Plan*
- *Strategic plans and objectives articulated by many non-profit conservation organizations including, Columbia Land Trust, Lower Columbia Fish Enhancement Group, Fish First, Vancouver Audubon Society and various “Friends” groups.*

## **Program Inventory**

The *Conservation Futures Program* has developed an impressive portfolio of properties since the inception of the program in Clark County. The “[Legacy Lands](#)” web page has general information about the priority areas considered for conservation. The majority of properties shown on Figure 4 were acquired with various partners and funding sources. As of 2012, the program has protected over 4,000 acres of riparian corridors, wetlands and lakes, recreational areas, forestlands and upland features.



- 1. Eagle Island
- 2. Haapa
- 3. Paradise Bluff
- 4. Lower East Fork Lewis River Greenway
- 5. LaCenter Bottoms
- 6. Lower East Fork Wildlife Area
- 7. Lower Daybreak
- 8. Lewis River Ranch
- 9. Lucia Falls (North)
- 10. Lucia Falls (South)
- 11. Upper East Fork Lewis River Greenway
- 12. Moulton Falls
- 13. The Oaks
- 14. Lewis and Clark Regional Trail Corridor
- 15. Frenchmen's Bar
- 16. Frenchmen's Bar Trail
- 17. Vancouver Lake Lowlands
- 18. Vancouver Lake Urban Wildlife
- 19. Cougar Creek Greenway
- 20. Salmon Creek Greenway
- 21. Brush Prairie

- 22. Burnt Bridge Creek Greenway
- 23. BBC Lettuce Fields
- 24. East Biddle Lake
- 25. Columbia Shores at 164<sup>th</sup> Ave.
- 26. Ostenson Canyon
- 27. Fallen Leaf Lake
- 28. Camp Currie
- 29. Washougal River Greenway (Lower)
- 30. Washougal River Greenway (Upper)
- 31. Rolling Meadows
- 32. Campen Creek
- 33. Whipple Creek
- 34. Green Mountain
- 35. Columbia Grove / Woods Landing
- 36. Mimsi Marsh
- 37. Becker-Lower Dean Creek

- 38. Habersetzer-Upper East Fork Lewis
- 39. VanBuren – Whipple Creek UWH
- 40. Lacamas lake Shoreline – Morris
- 41. Camp Lewisville Addition
- 42. Salmon / Morgan Creek
- 43. Mud Lake / Allen Creek Canyon
- 44. Hartwood
- 45. Lacamas Lake Shoreline
- 46. Fallen Leaf Lake
- 47. Bratton Canyon – Woodland Camp.
- 48. Washougal River Greenway
- 49. Wilson – Quann
- 50. Lacamas Heritage Trailhead

## Program Outreach

There has been some outreach to the public about the *Conservation Futures Program* and its importance in our community, such as a summary report in 2003. As stated in the program goals, it is the intent of the County to continue to educate the public about the value of conservation properties, our current inventory and future opportunities.

There are several means to inform the public about this program in place at this time, including:

- **Clark County Legacy Lands web page** – This web page has general information about the program such as the acquisition priorities, farm preservation, links to master planning efforts for individual properties, salmon recovery efforts, and information about the protected lands.
- **Other web pages** – When a property occurs in a city jurisdiction, that agency may provide additional information on their web page. Information may include property location, site amenities, applicable rules for use and general site information.
- **Press releases** – When a property is purchased, the county may provide information to the local media outlets such as newspapers.
- **Public meetings** – Meetings are used primarily during the various planning phases of the program such as the acquisition planning or site specific plans.
- **Brochures / fact sheets** – The County utilizes a variety of printed materials to help describe the county's conservation priorities and properties. This information typically includes a highlight of the overall program vision, mission, goals, property information, conservation values (such as water quality protection, habitat, etc.) and links to helpful resources. Other jurisdictions may use maps and/or brochures to help educate their citizens about specific sites.
- **Site visits** – Special events may warrant an organized site visit to educate neighbors, stakeholders, volunteers and the general public about specific sites.
- **Volunteer opportunities** – Volunteering is a good tool to educate the public about the value of the properties. Numerous volunteers participated in the past, including individuals, work groups and partner organizations. These volunteer efforts have included invasive species removal, trail building/repair, special feature installation (i.e. trailhead kiosks, benches, etc.), and restoration plantings. The county's adopt-a-site program will broaden these opportunities in the future.

Input from the public has typically been coordinated through the various county and regional planning efforts previously discussed. The efforts typically include press releases, citizen comment forms, public meetings, stakeholder discussions and attendance at advisory and elected official discussions (i.e. consent agenda for plan adoption).

## Chapter 2

# PROJECTS & APPLICATION

### Eligible Projects

As defined in the Conservation Futures RCW, open space land is defined as: a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or b) any land area, the preservation of which in its present use would:

- **Conserve and enhance** natural or scenic resources.
- **Protect streams** or water supplies.
- **Promote conservation** of soils, wetlands, beaches, or tidal marshes.
- **Enhance the value to the public** of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space.
- **Enhance recreation** opportunities.
- **Preserve historic** sites.
- **Preserve visual quality** along highway, road, or street corridors or scenic vistas.
- **Retain in its natural state tracts of land not less than one acre** situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

Eligible agencies may refer to the Washington regulations governing Conservation Futures (RCW 84.34.010-020 and RCW 84.34.200-250) for definitions and guidelines concerning the types of property eligible for Conservation Futures funding. In particular, RCW 84.34.020 provides definitions of open space, farm land, and timber land.

Eligible agencies wishing to submit a proposal for consideration under Clark County's *Conservation Futures Program* must complete the following steps:

1. **Application.** The sponsoring agency must complete a *Project Application* form provided by Clark County for each project (refer to *Appendix A*).
2. **Future Maintenance.** The project sponsor must demonstrate a willingness and ability to operate and maintain the property proposed for acquisition. This should be described in the application process.
3. **Agreement.** The project sponsor must be willing to enter into an *Interlocal Agreement* with Clark County, which outlines the terms and conditions by which Clark County will provide funds from its Conservation Futures account to non-county agencies, and a Deed of Right which dedicates land in perpetuity for Conservation Futures purposes unless otherwise agreed to by the Board of County Commissioners (Agreement template in *Appendix B*).

## Project Priorities

Program staff will utilize the *Conservation Areas Acquisition Plan* (available on the [county's web page](#)) to guide work for acquisition projects with stakeholders to ensure that the highest priority areas are addressed. The plan incorporates stakeholder comments, eligible agency input and public input that shape key priorities for the various regions and watersheds in Clark County.

The projects may have been highlighted in the *Acquisition Areas Plan* as targets for acquisition. In the event that a property becomes available for purchase or acquisition of rights, the eligible agency should refer to the *Acquisition Areas Plan* to determine the priority structure for that region and determine if the property matches the priority intent. Agencies should contact the county to discuss the applicability of Conservation Futures towards the potential property acquisition. Given other priorities and on-going efforts, some properties may not rank high even though individually they score high based on the criteria listed above.

Applicants are also encouraged to review the County's *Conservation Unit Stewardship Plans* (starting in 2013) to ensure that any property within a Unit can be maintained to the expectations as discussed in the Stewardship Plan. The goals of the Stewardship Plans are to create a consistent approach to conservation goals and objectives within a region of Clark County, regardless of property ownership.

To ensure future projects comply with regulatory guidelines, all project proposals will receive an initial screening by Clark County including the review of the following criteria:

1. ***Would the property qualify for "current use" classification*** as provided under chapter 84.34 RCW (i.e., does the property fall within definitions of open space, farm and agricultural land, or timber land as such are defined in [RCW 84.34.020](#))?
2. ***Does the property have "significant recreational, social, scenic, or aesthetic values,"*** such as:
  - Unique or critical habitat;
  - Unique natural features and/or natural resources;
  - Historically or culturally significant lands and/or structures;
  - Critical/sensitive lands such as wetlands, priority habitat, floodplains, geological hazards, critical aquifer recharge areas or shorelines;
  - Desirable agricultural and forest working lands characteristics?
3. ***Is the property threatened by growth,*** spreading urban development, mineral extraction, mature timber harvest and/or water impoundment?
4. ***Will the applicant agency prepare a stewardship plan or otherwise manage the property*** so as to allow appropriate public access to the property while preserving those characteristics which made the property eligible for Conservation Futures funding?
5. ***Is there significant partner and project support for the acquisition?***

## Application Process

Clark County has utilized a standard process for soliciting and completing acquisition projects since the inception of the *Conservation Futures Program*. The process has been adjusted over time to comply with changes in legislation, roles of the partners and updates to county programs and policies. Listed in this section are the steps in the project proposal process:

- ***Notification of intent to receive proposals*** - Clark County will notify all eligible agencies in Clark County of its intent to receive project proposals for funding consideration under its Conservation Futures Program on an annual basis (typically in the fall). This notice will include an overview of the Conservation Futures Program, project application forms, and information concerning the project evaluation system. Eligible agencies will also be notified of a due date for submitting project proposals.
- ***Submittal of proposals*** - The due date for project proposals will normally be at least eight weeks after staff distributes the notice of intent to receive proposals. All proposals should be submitted by the due date. If an agency will not be able to meet this deadline, it should notify program staff as early in this process as possible. An extension may be granted.
- ***Proposal review for completeness and statutory compliance*** - It is the county's intent that the agency sponsor provides completed application forms and all required attachments at the time of the application submittal. The sponsoring agency will be informed of identified deficiencies in their application or if additional information is required. Applicants are encouraged to review the state legislation to ensure projects meet eligibility requirements (refer to links on Page 2 for web pages). All projects will receive an initial screening to assure that they fall within statutory guidelines. Sponsoring agencies will be notified if projects don't comply with state law.
- ***On-site tour (Optional)*** - An on-site tour of properties to be considered for Conservation Futures funding may be coordinated with the project sponsor and staff. A meeting will be scheduled with sponsoring agencies both to review applications and to conduct the on-site inspections.
- ***Advisory committee evaluation*** - An advisory committee, as appointed by the Board of County Commissioners (BOCC) ([CC 3.24.040](#)) will evaluate projects submitted for funding consideration. It is the intent to select commission members that represent a broad interest in land preservation and geographical representation from throughout the county.
- ***Project evaluations*** - All projects are reviewed and rated by the advisory committee approximately eight to twelve weeks after applications have been received. A series of evaluation questions and criteria are established for this purpose, as noted in Appendix D. The evaluation questions and criteria will be applied to all projects in the same manner. The sponsoring agency will be requested to participate in the presentation of its project(s). The sponsoring agency's representative will have the opportunity to give a brief overview of his project; then, prior to the scoring of each question, the representative will have the opportunity to comment.
- ***Advisory committee recommendations*** - Staff will compute the final scores for all projects with the advisory committee. Staff will prepare a final recommendation staff report to be submitted

to the BOCC. The recommendations will be based on the acquisition priorities, evaluation scores and available funding. A fiscal analysis will be submitted with the staff report for consideration.

- **Board of county commissioners' hearing** - The BOCC will hold a public hearing to consider the recommendations of the advisory committee. The BOCC may either adopt or modify the advisory committee's recommendations. If the BOCC chooses to move forward on a project different from the committee's recommendations, staff will document the reasoning behind the change, for the program record.
- **Notification of funding** - County staff will notify all project sponsors of the action taken by the Board of County Commissioners. Agencies with approved projects will be required to enter into an Interlocal Agreement (*Appendix B*) between itself and Clark County which outlines the terms and conditions of expending Conservation Futures funds and managing properties acquired with Conservation Futures revenue. The Interlocal Agreement shall be completed and signed by all parties prior to issuance of funds.
- **Implementation** - Implementation of the project will then proceed with the procedures as outlined in the County's *Property Management Guidelines* for acquisition and management, as applicable.
- **Reporting** - The project sponsor will need to submit *Interim Progress Reports* (by February 15 for the previous year data) for their approved projects that document: project status; funding revenue and expenditure data; partner involvement; development plan implementation; and, other key aspects of the project. If there are delays in the schedule from the original application, those should be identified with possible solutions to completing the project as proposed. A Final Report shall be submitted by the project sponsor when the property has filed all necessary paperwork to complete the acquisition and the property is open for public use and management. Refer to *Appendix C* for reporting formats.

## Project Proposals

The sponsoring agency must complete a project application proposal for each project submitted for funding consideration, including Clark County projects. All project proposals for Conservation Futures funding must include the following information as described in application form in *Appendix A*:

1. **Project Narrative:** Provide a narrative that summarizes your proposal and the value of the property to your community per the attached application. This information should include site data, project partners, funding information, maintenance and operations goals, acquisition timeline, etc. Information shall include:
  - Sponsoring Agency**
  - Project Location**
  - Existing Conditions and Use**
  - Type of Interest to be acquired**
  - Site Description**
  - Proposed Improvements**
  - Proposed Uses**
  - Anticipated Project Cost** (Expenses and Revenues, including in-kind)
2. **Site Location Map:** On a map of Clark County or a map of the sponsoring agency's jurisdictional boundaries, clearly identify the location of the proposed acquisition. Include an aerial photograph with the location identified. Include a minimum of one (1) mile radius around the site for context and label significant features and/or landmarks including roads. A sample site location map is included at the end of this chapter.
3. **Project Boundary Map:** On a quarter section map or other map of sufficiently small scale, identify the boundaries of the proposed project. The dimensions and configuration of the parcel should be easily seen (in some cases, the site location map may also serve this purpose). A sample project boundary map is included at the end of this chapter.
4. **Images / Photographs:** Provide a minimum of six (6) representative images of the property. The images should show terrain, plant types, waterfront, man-made features, access roads, etc.
5. **Development Plan:** Provide a schematic or master plan of the project site showing proposed uses and improvements. If not available, provide a detailed description of the uses and improvements that are planned for the site.
6. **Maintenance and Operations Plan:** Include a summary of the sponsor's approach to operation of the site (i.e. uses, programming, facilities, etc.) as well as maintenance plans (i.e. daily, annual, asset management, asset preservation, etc.).

# Chapter 3

## PROJECT EVALUATION

### Evaluation Overview

This chapter provides information about the process that is used to review projects and develop funding recommendations for Clark County's *Conservation Futures Program* funding cycle. The program staff will provide technical assistance to the committee and answer any questions about the program.

### Evaluation Process

All projects submitted for funding consideration are reviewed by staff for completeness prior to review by the appointed advisory committee. Staff will work with the project sponsor to clarify all necessary information in the application. The application will also be reviewed against established priorities within the *Conservation Areas Acquisition Plan* for relevancy.

A series of evaluation questions and criteria are established for the project evaluation and the criteria will be applied in the same manner to all projects. The evaluation questions and the corresponding scoring criteria and instructions are included in this chapter. Project sponsors are encouraged to read them carefully.

The evaluation session with the County-appointed advisory commission will be held approximately eight weeks after the due date for project applications. At this meeting project sponsors are asked to participate. The project sponsor may give a brief overview of the project and is also given the opportunity to comment on each evaluation question prior to the scoring of that question.

The evaluation system is not intended to be regulatory or absolute, but rather it is intended to provide objective guidelines for evaluating projects and allocating funds. The Board of County Commissioners may either adopt or modify the funding recommendations. The County may not necessarily obligate all available revenues as part of any year's evaluation process, depending on other funding needs for that funding cycle.

Project sponsors will be informed of all recommendations adopted by the Board of County Commissioners by program staff. All projects that have been authorized to move forward will be directed to move to the next phase of the process, including drafting of an *Interlocal Agreement*. Timing of projects may be influenced by the County's biennial budget process and no project work shall proceed without prior written authorization of program staff.

# Chapter 4

## PROGRAM ACQUISITION PROCESS

### Overview

This chapter explains the required *Interlocal Agreement* which is an agreement between Clark County and any sponsoring agency that receives funds under Clark County's Conservation Futures Program. This chapter also describes the *Deed of Right* which dedicates properties acquired, all or in part, with Conservation Futures funds in perpetuity for public use for purposes consistent with the goals and objectives of the Conservation Futures Program. The *Interlocal Agreement* will normally be executed within two months, or as soon thereafter as is practicable, of the approval of funding recommendations by the Board of County Commissioners. The *Deed of Right* is executed and recorded at the time of the closing of a project. A template of the *Interlocal Agreement* and *Deed of Right* appear in *Appendix B*.

### Funding of Project

The total cost of the property to be acquired under terms of the *Interlocal Agreement* is estimated by the project sponsor in its project application. In the application, the project sponsor requests that Clark County pay all or some percentage amount of the total estimated project cost. The county will not require the project sponsor to incur the expense of a standard appraisal prior to execution of the interlocal agreement; cost estimates may be based on assessed values, comparable sales, or other land value data.

Once a project is approved for funding, fair market value shall be determined utilizing standard professional appraisal procedures as set forth in the County's *Property Management Guidelines* for acquisition procedures (*county staff will clarify process with applicants*). The payment of conservation future funds from the county to the project sponsor is on a reimbursement basis of eligible expenses with appropriate documentation. Eligible expenses may include land and related incidental and administrative costs.

### Acquisition Procedures

The Project sponsor agrees to comply with the terms and intent of acquisition procedures as outlined in the *Property Management Guidelines* (*county staff will clarify process with applicants*). The Project sponsor shall designate a primary contact to coordinate the acquisition of the subject property with the County per the guidelines. The Project sponsor may request Clark County to manage the acquisition process, but the County's ability to do so is dependent on sufficient staff and other resources and may not be possible at any given point in time.

The Project sponsor shall have two years from date of *Interlocal Agreement* execution by the Board of County Commissioners (BOCC) to complete its project. The BOCC may extend the acquisition period at its discretion. To secure an extension, the Project sponsor should send written notice to the Conservation Futures Program Manager, acting as program staff for the Board at least thirty days prior to the end of the acquisition period. The notice shall state the

need for an extension and explain the reasons for the request. The program manager will notify the project sponsor of the Board's decision within thirty days of receipt of the request, or as soon thereafter as is practicable.

The program staff will review all easements, restrictions, and other encumbrances that appear in the preliminary title insurance policy to assure that they do not impact, to an excessively negative degree, the Conservation Futures purposes for which land is to be acquired. Clark County will not release funds for land purchases until this requirement is met.

This agreement will remain in effect in perpetuity, unless otherwise provided for in the "Acquisition Period" section of the interlocal Agreement. Changes that are requested by either party shall submit, in writing, the anticipated changes for review and discussion to the Conservation Futures program manager.

### **Project Sponsor Performance**

The project sponsor agrees to manage acquired properties in a manner consistent with the legislative declarations and objectives set forth in RCW 84.34.010-020 and RCW 84.34.200-250 and in Chapter 3.24 of the Clark County Code.

At a minimum, the project sponsor agrees to operate and maintain the acquired property as follows:

1. *Site safety.* The property and any improvements to the property shall be kept safe and clean.
2. *Uses.* The project sponsor shall make reasonable effort to control nonconforming uses, such as hunting in wildlife preserves and sanctuaries.
3. *Public Health.* Sanitation and sanitary facilities shall be maintained in accordance with applicable state and local public health standards.
4. *Site improvements.* The project sponsor shall submit to the Conservation Futures Program Manager any plans for improving the subject property to assure statutory compliance. Work shall not commence without written approval from the Conservation Futures Program Manager.
5. *Agreements.* The project sponsor shall submit to the Conservation Futures Program Manager any proposals for lease-back agreements, as provided in RCW 84.34.210, easements, rights-of-way, or other conditions or restrictions which limit the use of or alter the character of the subject property.
6. *Public access.* The property shall be kept open for public use at reasonable hours and times of year. The property shall be open for the use of segments of the public without restriction because of race, creed, color, sex, religion, national origin or residence of the user. User fees shall be reviewed prior to implementation for recreational uses. Some restrictions may apply based on protection of habitat or wildlife.
7. *Maintenance and operation standards.* Roads, trails, tables, benches, and other improvements shall be kept in reasonable repair throughout their estimated lifetime, so as to prevent undue deterioration that would discourage public use. The project

sponsor should operate and maintain the facility in accordance with all applicable federal, state, and local laws and regulations.

### **Conversion**

The project sponsor, in consideration of monies in whole or in part from Clark County's Conservation Futures fund, will dedicate the property to be acquired under terms of the Interlocal Agreement in perpetuity for the public's use and enjoyment and to promote the purposes of Conservation Futures.

The project sponsor will not make or permit to be made any use of the real property or any part of it, acquired under this program, which is inconsistent with those chapters of Clark County Code and Revised Code of Washington that govern the use of Conservation Futures funds, or any use which is inconsistent with the purposes and improvements as described in the project sponsor's grant application at the time of funding approval, unless the BOCC consents to the inconsistent use. Clark County will approve any such conversion only upon conditions where the project sponsor can assure it will acquire substitute properties which are of equal or greater value at the time of conversion, which, to the extent feasible, are equivalent in usefulness and location, and which also meet the goals and objectives of the Conservation Futures Program.

### **Reports and Inspections**

The project sponsor shall prepare a *Final Report* upon completion of a project, or its early termination as described in *Appendix C*. If the project is terminated early, the report shall provide a full explanation of the reasons for not completing the project. The Project sponsor also agrees to provide interim status reports during the acquisition period on a semi-annual basis to be submitted to the Conservation Futures Program Manager.

The report shall also include all necessary information to complete the property file documentation folder and GIS database system. The project sponsor shall work with county staff to complete all necessary file documentation, including articulating: all revenue types; key milestones; easement files; property inventory reports; etc.

### **Deed of Right**

The Deed of Right conveys and grants to Clark County, individually and as the representative of the people of Clark County, the right to use the subject property for the stated purposes in perpetuity. The Deed of Right further stipulates that the uses shall be consistent with those sections of the Clark County Code and Revised Code of Washington governing the use of Conservation Futures funds and shall be consistent with the project sponsor's grant application. The Deed of Right also discusses the terms and conditions under which conversion may be allowed. The Deed of Right is executed at the time of closing of any project funded through Clark County's Conservation Futures Program. A generic Deed of Right template appears in this manual as *Appendix B*. Minor variation from the provisions in the template and provisions tailored to any specific acquisition may be included with the mutual consent of the sponsor and the County.

**FILL OUT APPLICATION COMPLETELY. Attach additional pages as needed to fully describe your proposal.**



*proud past, promising future*

**CLARK COUNTY  
WASHINGTON**

# Conservation Futures Project Application / Summary

FUNDING CYCLE [YEAR]

**SUBMITTAL DATE:**

**PROJECT NAME:**

**SPONSOR INFORMATION**

Organization Name:

Agency Address:

Agency Jurisdiction:

Contact Name:

Contact Phone:

Contact E-Mail Address:

**PROJECT LOCATION**

Property Address(es):

Tax Identification Number(s):

Major Street / Intersection Nearest Property Access Point:

Property Description (type of land use):

Section:            Township:            Range:

**EXISTING CONDITIONS**

Number of Parcels:

Addition:

Total Project Acres:

Zoning Classification(s):

Existing Structures/Facilities (No. / Type):

Current use:

- Watershed Name:
- Waterfront Access and type:
- Body of Water:
- Shoreline (lineal ft.):
- Historical / Cultural Features:
- Owner Tidelands/Shorelands:
- Active Agriculture;  Currently leased for agriculture
- Threatened / Endangered species present:
- Utilities on property (list all known):
- Potable water available on site:  Well;  Water Service;  Is there a water right?



**SITE DESCRIPTION** (Discuss physical characteristics of proposed acquisition):

**PROPOSED DEVELOPMENT IMPROVEMENTS:**

**PROPOSED USES ON SITE:**

**PROJECT PARTNERS:**

For purchase, list names:

For use of site, list names:

**TYPE OF INTEREST:**

Warranty Deed:                      Easement:

Other (please describe):

Project requires relocation of residents:  Yes  No

**PROJECT COST:**

Estimated Total Cost:

Estimate Based on:

Will other agencies/groups contribute to project?  Yes  No

Name of Contributor:

Amount of Contribution:

Total Estimated Request from Conservation Futures:

Attach separate sheet with all anticipated:

Revenues for project, including donations, in-kind services, grants, partnerships, and other contributions

Expenses for project, including permits, fees, staff time,

**PROJECT MAINTENANCE PLAN** (brief summary of maintenance approach):



## **APPENDIX B – INTERLOCAL AGREEMENT TEMPLATE FOR CONSERVATION FUTURES FUNDING**

### **A.01 PURPOSE**

This Interlocal Agreement sets forth the terms and conditions by which Clark County, Washington, shall provide funds from its Conservation Futures Account, pursuant to RCW 84.34.210 and Chapter 3.24 of the Clark County Code, to the City of [NAME], hereinafter identified as the project sponsor, for the purpose of acquiring fee simple or lesser interest in open space, farm land, or timber land, as such are defined in RCW 84.34.020.

### **A.02 AUTHORITY**

This Interlocal Agreement by and between Clark County, Washington, and the project sponsor is authorized by Chapter 39.34 of the Revised Code of Washington, which permits a governmental unit to contract for the use of land for park purposes by private negotiation with consent from the Board of County Commissioners. In addition, this Agreement is further contemplated by RCW 84.34, for the preservation and continued availability of open space lands to assure the use and enjoyment of natural resources and scenic beauty for the benefit of all citizens.

### **A.03 PROJECTS DESCRIPTION**

The project sponsor's application to Clark County is attached hereto, Marked as Exhibit A and is incorporated herein by this reference. The Application is the project sponsor's notification of its intent and commitment to implement and manage the following project in conformance with local and state goals and objectives. The project is described as: [PROJECT NAME]. A specific legal description of the project is to be attached to the Deed of Right, to be filed and recorded herewith.

### **A.04 FUNDING OF PROJECT**

The total cost of the property to be acquired under terms of this Agreement is estimated by the project sponsor to be \$000,000.

Clark County agrees to pay a total of \$000,000, or 00 percent of the total estimated project cost, or the same percentage of fair market value, whichever is less for the [PROJECT NAME]. The funding provided is limited in its use to the acquisition of the real property or the costs of title insurance, appraisals and surveys.

Fair market value shall be determined utilizing professional appraisal procedures. Both a fair market appraisal and a review appraisal are required. The appraisal must be in compliance with the Uniform Appraisal Standards for Federal Land Acquisitions (USASFLA). Both the fair market

appraisal and the review appraisal reports must be prepared by qualified real estate appraisers having designation from the Members of the American Institute of Real Estate Appraisers (MAI). The cost of the appraisal, review appraisal and related administrative costs shall be paid by the project sponsor. The project sponsor may request reimbursement from the County for the cost of the land, appraisal and review appraisal, provided that the total amount of reimbursement sought from the county, does not exceed \$000,000 for the [PROJECT NAME].

In the event fair market value exceeds the project sponsor's estimated project cost, the Board of County Commissioners, at its discretion, may increase the approved funding allocation to cover fair market value of the property to be acquired. A written request to this effect should be submitted by the project sponsor to the Conservation Futures Program Manager, acting as program staff for the Board of County Commissioners. The request shall include a copy of the appraisal report and appraisal review. The program manager shall notify the project sponsor of the Board's decision within thirty (30) days of the receipt of the request, or as soon thereafter as is practicable. In the event the Board of County Commissioners does not agree to increase the approved funding allocation, there shall be no obligation by Clark County to fund the project beyond the originally designated amount.

The payment of funds to the project sponsor shall be on a reimbursement basis. The sponsor shall submit all required documentation to support expenses incurred by the project.

#### A.05 STATEMENT OF DIFFERENCE IN VALUE

If the property is to be purchased for less than the approved fair market value, a letter from the seller must be submitted that acknowledges that the seller was aware of the approved fair market value and that the seller's decision to sell at less than fair market value was made of his/her own free will.

#### A.06 REAL PROPERTY ACQUISITION PROCEDURES

The project sponsor agrees to comply with the terms and intent of the Clark County Code Chapter 3.24, and RCW Chapter 84.34, as now or may be amended, to the extent such amendment is applicable under the law. Clark County staff and the project sponsor shall comply with all policy guidance in the Property Management Guidelines.

#### A.07 CONTINGENCIES

The duty of Clark County to pay out funds under this contract depends on:

- A. Strict compliance by the project sponsor with the terms of this contract, and
- B. The availability of funds in Clark County's Conservation Futures Account.

#### A.08 ACQUISITION PERIOD

The project sponsor shall have two (2) years from execution of this interlocal agreement by the Board of County Commissioners to complete the acquisition project, as described in the project sponsor's attached Project Application.

The Board of County Commissioners may extend the acquisition period at its discretion. To secure an extension, the project sponsor shall send written notice to the Conservation Futures Program Manager, acting as program staff for the Board of County Commissioners, at least thirty (30) days prior to the end of the acquisition period. The notice shall state the need for an extension and explain the reasons for the request. The program manager shall notify the project sponsor of the Board's decision within thirty days of receipt of the request, or as soon thereafter as is practicable.

Any project that has not been completed within the acquisition period, and for which no extension has been granted, shall be considered withdrawn and all allocated funds not expended for a permitted purpose shall returned to Clark County. The project sponsor agrees to notify the Conservation Futures Program Manager of any circumstances or events during the acquisition period (such as an owner indicating he is no longer a willing seller) which will cause the termination of efforts to acquire the subject properties.

The project sponsor, on forms provided, will advise Clark County at least once every six months of their progress, upon reimbursement to the project sponsor for all reasonable and appropriate expended costs incurred during the acquisition period.

The program staff shall review all easements, restrictions, and other encumbrances that appear in the preliminary title insurance policy to assure that they are acceptable to Clark County considering the Conservation Futures purposes for which the land is to be acquired. Clark County will not release funds for land purchases until this requirement is met.

#### A.09 DURATION OF INTERLOCAL AGREEMENT

This Interlocal Agreement shall remain in effect in perpetuity, except as otherwise provided for in the "Acquisition Period" section of this Agreement.

#### A.10 RELATIONSHIP OF PARTIES

The Clark County Board of County Commissioners imposed the Conservation Futures levy to provide a reliable and predictable funding source to help acquire interest in open space, farm land, timber land, and certain classifications of park property. The project described herein, however, is the sole project of the project sponsor and not Clark County. The purpose of this Agreement is to provide the project sponsor monetary assistance which will enable it to complete the Project described herein. Clark County will not acquire any ownership interest in

the subject property by virtue of this Agreement, nor will Clark County assume any responsibility for improving or managing the property.

The project sponsor shall be solely responsible for the management of the Project within the terms and conditions of this Agreement and all applicable law. Furthermore, Clark County shall not be deemed a party to any contract between the project sponsor and any third party by reason of having entered into this Agreement.

#### A.11 OTHER ORGANIZATIONS

No separate legal or administrative entity shall be created by this Agreement.

#### A.12 PERFORMANCE

The project sponsor agrees to manage the subject property in a manner consistent with the legislative declarations and objectives set forth in RCW Chapter 84.34. and Chapter 3.24 of the Clark County Code. Moreover, the project sponsor recognizes that Board of County Commissioners are the only legislative authority empowered to impose the Conservation Futures levy and that the Board of County Commissioners, having done so, has the responsibility to assure proper use and administration of the Conservation Futures Fund and has a corresponding interest in the management of all properties acquired with the fund. Therefore the project sponsor shall operate and maintain the subject property as follows:

- A. The property and any improvements to the property shall be kept safe and clean; and
- B. The project sponsor shall make reasonable efforts to control nonconforming uses, including but not limited to hunting or poaching in wildlife preserves and sanctuaries; and
- C. Sanitation and sanitary facilities shall be maintained in accordance with applicable state and local public health standards; and
- D. The project sponsor shall submit to the Conservation Futures Program Manager any plans for improving the subject property to assure federal, state, and local compliance. This does not apply to routine maintenance. Improvements that may be allowed under terms of the statute, the plans for which, in any event, should be submitted to the Program Manager, include but are not limited to trails, picnic tables, viewpoints, rest areas, docks, benches, boat launches, restrooms, accessory structures, retaining walls requiring engineering, and parking lots. Work shall not commence without written approval from the Conservation Futures Program Manager. Though Clark County shall be given the opportunity to review plans for improvements, this should not be construed to mean that Clark County shall participate in the funding of improvements; and

- E. The project sponsor shall submit to the Conservation Futures Program Manager any proposals for lease-back agreements, as provided in RCW 84.34.210, easements, rights-of-way, or other conditions or restrictions which limit the use of or alter the character of the subject properties. Any such proposal shall be reviewed for statutory compliance and consistency with proposed plans and uses as stated in the project sponsor's grant application at the time of funding approval at the sole discretion of Clark County. The project sponsor shall not consummate any such proposal without advance written consent of the Conservation Futures Program Manager; and
- F. The property shall be kept open for public use at reasonable hours and times of year. Clark County recognizes, however, that appropriate hours may vary considerably depending on the type of interest that has been acquired, and the existence of leaseback or other agreements that might properly limit public access. Some restrictions may apply for the protection of habitat and/or wildlife; and
- G. The property shall be open for the use of all segments of the public without restriction because of the race, creed, color, sex, religion, national origin or residence of the user; and
- H. Roads, trails, tables, benches, and other improvements shall be kept in reasonable repair throughout their estimated lifetime, so as to prevent undue deterioration that would discourage public use; and
- I. The project sponsor shall operate and maintain the facilities in accordance with all applicable federal, state, and local laws and regulations; and
- J. The project sponsor shall execute and record a Deed of Right in substantially the same form as Exhibit B, attached hereto and made a part of this agreement, at the time of property acquisition to guarantee that the restrictions imposed by Conservation Futures Program funding are in the chain of title to the subject property.

#### A.13 USER FEES AND CHARGES

User or other types of fees may be charged in connection with areas acquired with the assistance of Conservation Futures funds, provided that the fees and charges are commensurate with the value of recreation services or opportunities furnished and are within the prevailing range of public fees and charges within the state for the particular activity involved.

#### A.14 CONVERSION

The project sponsor for and in consideration of monies coming in whole or in part from Clark County's Conservation Futures Fund, shall dedicate the property to be acquired under terms of this Agreement in perpetuity for the public's use and enjoyment and to promote the purposes of Conservation Futures.

The project sponsor will not make or permit to be made any use of the real property described in this Agreement, or any part of it, which is inconsistent with those chapters of the Clark County Code and Revised Code of Washington that govern the use of Conservation Futures funds, or any use which is inconsistent with the purposes and improvements as described in the project sponsor's grant application at the time of funding approval, unless the Board of County Commissioners consents to the inconsistent use. Clark County shall approve any such conversion only upon conditions where the project sponsor can assure it will acquire substitute property which is of equal or greater value at the time of conversion, which, to the extent feasible, is equivalent in usefulness and location, and which also meets the goals and objectives of the Conservation Futures Program.

#### A.15 REMEDIES

In the event the project sponsor fails to comply with any or all of its obligations under this Agreement, specific performance shall be the remedy preferred by Clark County.

The remedy of specific performance shall not be the sole remedy and does not serve to exclude any and all other remedies available to Clark County. Clark County may choose to exercise any and all other remedies available together with, or as an alternative to, specific performance, at the sole option of Clark County.

#### A.16 REPORTS AND INSPECTIONS

The project sponsor, in cooperation with the Conservation Futures Program Manager, shall prepare a final report upon completion of the above described Project or its early termination for presentation to the Board of County Commissioners. The report shall include a final accounting of all expenditures and a description of the work accomplished. If the Project is terminated early, the report shall provide a full explanation of the reasons for not completing the Project. The project sponsor also agrees to provide interim status reports during the acquisition period as may be requested by the Conservation Futures Program Manager.

Property and improvements acquired under terms of this Agreement shall be available for inspection by the Conservation Futures Program Manager, or his designee, upon request. As a matter routine, Clark County shall maintain the right to conduct an on-site inspection approximately once a year to assure that the property is being operated, maintained, and used in accordance with this Agreement.

#### A.17 ASSIGNMENT

This Agreement shall not be assignable in whole or in part by the project sponsor except with the express advance written consent of the Board of County Commissioners.

#### A.18 HOLD HARMLESS

The project sponsor agrees to defend and hold harmless Clark County, Washington, the Board of Clark County Commissioners and any employees, officials, agents, or elected officials thereof from any and all suits at law or equity or claims or demands, or any loss of any nature, including but not limited to costs and attorneys' fees, suffered, or alleged to be suffered, on the premises, or arising out of use, improvements, operation, or management of the subject property and/or the Project.

Clark County, Washington and all employees, officials, agents, or elected officials thereof, agrees to defend and hold harmless the project sponsor from any and all suits of law or equity or claims or demands, or any loss of any nature, including, but not limited to, costs and attorney's fees, suffered, or alleged to be suffered, as a result of any act or omission on the party of Clark County, Washington, their employees, officials, agents or elected officials, on the premises.

#### A.19 NOTICES

Any notices, requests, consents, approvals, and other communications shall be in writing and shall be deemed to have been sufficiently given for all purposes when delivered by hand, or within three days of being mailed by U.S. mail first class postage or certified mail, postage prepaid, addressed as follows:

##### A. Notice to Clark County

TO: Conservation Futures Program Manager  
Clark County Environmental Services Department  
P.O. Box 9810  
Vancouver, Washington 98666-9810

##### B. Notice to the project sponsor

TO: [City Manager Name] who serves in the capacity as City Manager for the project sponsor and who has been designated as the project sponsor's liaison officer for the purposes of this Agreement, or to such other officer or address as the project sponsor shall have furnished to the Conservation Futures Program Manager in writing.

Signed by the project sponsor on this \_\_\_\_\_ day of \_\_\_\_\_, 201

CITY OF [NAME]

\_\_\_\_\_  
By: \_\_\_\_\_  
Mayor, City of [NAME]

Signed by Clark County on this \_\_\_\_\_ day of \_\_\_\_\_, 201

CLARK COUNTY

\_\_\_\_\_  
By: \_\_\_\_\_, County Administrator

APPROVED AS TO FORM ONLY:  
ANTHONY F. GOLIK  
CLARK COUNTY PROSECUTING ATTORNEY

\_\_\_\_\_  
By: \_\_\_\_\_  
County Deputy Civil Prosecutor

ATTACHMENTS:  
Project Application  
Deed of Right

**EXHIBIT A**

**COMPLETED PROJECT APPLICATION**

**[ADD APPLICATION HERE]**

**EXHIBIT B**

**DEED OF RIGHT**

*[NOTE: There are specific page setup requirements for the Deed of Right.  
Verify layout with Project Manager]*

For Public Use of Land  
Acquired Under the Clark County  
Conservation Futures Program

The project sponsor, City of [NAME], for and in consideration of monies coming in whole or in part from the Conservation Futures Account, as established by Chapter 3.24 of the Clark County Code, and in fulfillment of terms contained in the Agreement identified below, conveys and grants to Clark County, Washington, individually and as the representative of all the people of Clark County, the right to use the real property described in Exhibit A, attached hereto and incorporated herein, forever for those purposes described in RCW 84.34, and the Agreement signed by the project sponsor on the \_\_\_\_ day of \_\_\_\_\_, 201\_, and by Clark County on the \_\_\_\_ day of \_\_\_\_\_, 201\_, and which is entitled: Interlocal Agreement for Conservation Futures Funding. A copy of such Agreement is attached hereto as "Exhibit B" and its terms are incorporated herein.

The project sponsor will not make or permit to be made any use of the real property described in this deed, or any part of it, which is inconsistent with those chapters of the Clark County Code and Revised Code of Washington that govern the use of Conservation Futures Funds, or any use which is inconsistent with the purposes and improvements as described in the project sponsor's grant application at the time of funding approval, unless the Board of County Commissioners consents to the inconsistent use. Clark County shall approve any such conversion only upon conditions where the project sponsor can assure it will acquire substitute properties which are of equal or greater fair market value at the time of conversion, which, to the extent feasible, are equivalent in qualities, characteristics and location, and which also meet the goals and objectives of the Conservation Futures Program. Such consent shall only be valid by written agreement of the parties, recorded in the land records of Clark County.

All parties to this deed, and all successors, heirs, and assigns, shall be subject to the requirements of RCW Chapter 84.34, as may be amended, to the extent such amendment is applicable under the law.

This deed shall in no way modify or extinguish the functions of the project sponsor under the terms and conditions set forth in the aforementioned Agreement.

Dated this \_\_\_\_ day of \_\_\_\_\_, 201\_.



**APPENDIX C – PROJECT REPORTING TEMPLATES**  
**Conservation Futures**  
**Interim Progress Report**

PROJECT NAME \_\_\_\_\_ PROJECT NO, \_\_\_\_\_

SPONSORING AGENCY \_\_\_\_\_

As provided in the Interlocal Agreement, the sponsoring agency shall provide every six (6) months Interim Progress Reports for any project funded under Clark County’s Conservation Futures Program.

Under each heading please indicate the status of the above named project and submit the completed report to: Conservation Futures Program Manager, Department of Environmental Services, 1300 Franklin St., PO Box 9810, Vancouver, Washington 98666-8910, (360) 397-2121

**ANTICIPATED SCHEDULE**

**APPRAISAL**

**APPRAISAL REVIEW**

**NEGOTIATION**

**CLOSING**

**COMPLETION**

## Conservation Futures Final Project Report

PROJECT NAME: \_\_\_\_\_ PROJECT NO.: \_\_\_\_\_

SPONSORING AGENCY \_\_\_\_\_

As provided in the Interlocal Agreement, a final project report is to be prepared for the project at the time of completion or early termination. The report should include:

- Final accounting of all expenditures
- Status of final project file documentation including coordination with GIS
- Description of the work accomplished (include photographs as appropriate)
- Anticipated schedule of future work to be accomplished on the site
- If a project is terminated early, the report should explain the reasons for not completing the project.
- This report should be submitted to:  
Conservation Futures Program Manager  
Department of Environmental Services  
1300 Franklin St., PO Box 9810  
Vancouver, Washington 98666-8910  
(360) 397-2121

# APPENDIX D

## Conservation Futures - Application Evaluation Questions

### A – REGIONAL CONTEXT

**A-1 Does the proposed project meet the CFP goals as described on page 2 of the Program Guidance Manual?**

6 goals	15
4 goals	10
2 goals	5
0 goals	0

**A-2 To what extent does the proposed project conform with objectives and priorities established in the *Conservation Futures Areas Acquisition Plan* and pertinent sections of a adopted land-use plan, park plan and/or capital improvements program relating to open space, farm, and timber lands?**

High Priority	16 - 25
Moderate Priority	6 - 15
General Need	1 - 5

### B - PROPERTY OPPORTUNITIES

**B-1 Does the proposed project provide recreational opportunities, either in its undeveloped state or have a strong potential to develop recreational amenities?**

Very Good	11-15
Good	6-10
Fair	1-5

**B-2 Will the project enhance the value of abutting or neighboring parks, forests, wildlife preserves, natural areas, or other public open space for habitat value? Does the site have habitat preservation and/or restoration potential?**

Very Good	11-15
Good	6-10
Fair	1-5

**B-3 Does the proposed project meet farm, timber or agricultural preservation needs?**

Very Good	11-15
Good	6-10
Fair	1-5

**B-4 Does the proposed project protect land that is known to have threatened or endangered species, designated critical habitat or include a DNR heritage site?**

Very Good	11-15
Good	6-10
Fair	1-5

**B-5 Does the proposed project protect historical or cultural significant lands and/or features? Are there state or federal listed historical elements on the property?**

Very Good 11-15  
Good 6-10  
Fair 1-5

**B-6 Are access facilities (roads, walkways, bike paths, etc.) available and appropriate for the proposed project site, including from public roadways?**

Very Good 11 - 15  
Good 6-10  
Fair 1-5

**C - PROPERTY AVAILABILITY**

**C-1 What is the likelihood that the property will not be available if acquisition does not occur within the next five years?**

Highly Likely 7- 10  
Moderate 4- 6  
Low 1-3

**C-2 Does the proposed project involve contributions from groups or agencies that will reduce the need to utilize Conservation Futures funds for acquisition and maintenance? Is the funding / in-kind donations secured?**

1-10%	2	51-60%	12
11-20%	4	61-70%	14
21-30%	6	71-80%	16
31-40%	8	81-90%	18
41-50%	10	Over 90%	20

## Conservation Futures Evaluation Questions Scoring Criteria

### A-1 DOES THE PROPOSED PROJECT MEET THE CFP GOALS AS DESCRIBED ON PAGE 2 OF THE PROGRAM GUIDANCE MANUAL?

Points will be awarded on meeting the six goals described herein (up to 15 points total):  
5 pts for 2 goals; 10 pts for 4 goals; 15 pts for 6 goals

- **Coordinate with community jurisdictions** to strategize on priorities for conservation
- **Acquire and make available to the public** properties that enhance recreational opportunities, including connections to developed parks and trails
- **Leverage partnerships and funding** to acquire conservation properties
- **Complete projects that protect and enhance** water quality, wildlife habitat and environmental connectivity with appropriate restoration techniques
- **Provide public outreach** to educate the value of conservation protection
- **Develop and implement clear maintenance and operational objectives** for each site including the use of partners and volunteers, through the development of stewardship plans

### A-2 TO WHAT EXTENT DOES THE PROPOSED PROJECT CONFORM WITH OBJECTIVES AND PRIORITIES ESTABLISHED IN THE CONSERVATION FUTURES AREAS ACQUISITION PLAN, AND PERTINENT SECTIONS OF ADOPTED LAND-USE PLAN, PARK PLAN, AND/OR CAPITAL IMPROVEMENTS PROGRAM RELATING TO OPEN SPACE, FARM, AND TIMBER LANDS?

Points will be awarded based on the priority given to proposed projects within one or more of the above named plans.

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### B-1 DOES THE PROPOSED PROJECT PROVIDE RECREATION OPPORTUNITIES, EITHER IN ITS UNDEVELOPED STATE OR HAVE A STRONG POTENTIAL TO DEVELOP RECREATIONAL AMENITIES?

Maximum points will be awarded to projects which provide a variety of recreational opportunities and uses in their unimproved state without further acquisitions or improvements. Minimum points will be awarded to projects which are unusable or provide limited opportunities until additional acquisitions or proposed improvements occur. If the project proposes adding recreational amenities in the early phases of development, this could raise the ranking.

### B-2 WILL THE PROJECT ENHANCE THE VALUE OF ABUTTING OR NEIGHBORING PARKS, FORESTS, WILDLIFE PRESERVES, NATURAL AREAS, OR OTHER PUBLIC OPEN SPACE FOR HABITAT VALUE? DOES THE SITE HAVE STRONG HABITAT PRESERVATION AND/OR RESTORATION POTENTIAL?

Maximum points will be awarded to projects which link or significantly expand existing public ownerships of valuable habitat properties. Minimum points will be awarded to

projects which represent only a minor addition. Points may be awarded to acquisitions which do not actually adjoin an existing public ownership, where it can be demonstrated that the project will significantly enhance or complement a nearby facility. If a property has moderate existing habitat value but a strong potential for restoration (i.e. wetland enhancement, reforestation, etc.), the project may rank higher.

**B-3 DOES THE PROPOSED PROJECT MEET FARM, TIMBER OR AGRICULTURAL PRESERVATION NEEDS?**

If the property is currently in agricultural or timber production and has significant value in future production, the project shall rank higher. Evaluators shall review appropriate approved plans for agriculture or sustainable timber harvest to ensure the project follows appropriate sustainable production recommendations.

**B-4 DOES THE PROPOSED PROJECT PROTECT LAND THAT IS KNOWN TO HAVE THREATENED OR ENDANGERED SPECIES, DESIGNATED CRITICAL HABITAT, OR INCLUDE A DNR HERITAGE SITE?**

Evaluators should review federal and state lists for threatened or endangered species (i.e. priority habitats) that occur on the site. Sites with known species shall rank the highest. Sites that have high potential shall rank of moderate significance. If no inventories have been conducted on sites, local experts (i.e. Fish and Wildlife Service) should be contacted for potential existence of species on the site (i.e. fish rearing habitat, etc.)

**B-5 DOES THE PROPOSED PROJECT PROTECT HISTORIC OR CULTURAL SIGNIFICANT LANDS AND/OR FEATURES? ARE THERE STATE OR FEDERAL LISTED HISTORICAL ELEMENTS ON THE PROPERTY?**

Evaluators shall review federal, state and local registries (e.g GIS) for significant features that could be listed on site. If no inventories have been completed for the site, local experts could be contacted to review for potential existence of features on the property (including buried artifacts).

**B-6 ARE ACCESS FACILITIES (ROADS, WALKWAYS, BIKE PATHS, ETC.) AVAILABLE AND APPROPRIATE FOR THE PROPOSED PROJECT SITE, INCLUDING FROM PUBLIC ROADWAYS?**

Maximum points will be awarded to projects where a complete system of safe and efficient access to facilities is already in place, which is appropriate for the uses of the proposed site. Do not consider planned or proposed road improvements, trail improvements, land acquisitions, etc. Keep in mind that access needs differ depending on the type of site to be acquired. In fact, where habitat or other sensitive environmental properties may be involved, it may be desirable to restrict access (except for maintenance needs).

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**C- 1 WHAT IS THE LIKELIHOOD THAT THE PROPERTY WILL NO LONGER BE AVAILABLE IF THE ACQUISITION DOES NOT OCCUR WITHIN THE NEXT FIVE YEARS?**

Maximum points will be awarded to projects where it appears highly likely that the property will not be available five years from the date of funding consideration.

Minimum points will be awarded to those projects which, in all likelihood, will still be available in five years. Property that has a likelihood that it could be converted to another use other than environmental / conservation protection in the near future could prompt more immediate attention.

**C-2 DOES THE PROJECT INVOLVE CONTRIBUTIONS FROM GROUPS OR AGENCIES THAT REDUCE THE NEED TO UTILIZE CONSERVATION FUTURES FUNDS FOR ACQUISITION AND MAINTENANCE? IS THE FUNDING / IN-KIND DONATION SECURED?**

Points will be awarded to projects which include outside funding support and which, as a result, reduce the need to utilize Conservation Futures funds. The sponsoring agency must clearly demonstrate that the outside funding support is available. The number of points to be awarded will be based on the percentage of the total project cost that comes from outside sources.

If the sponsoring agency receives points under this category, it should be understood that the level of Conservation Futures funding will take into account the outside contribution. If the outside funding support falls through, the sponsoring agency will have to resubmit a modified funding request. The modified funding request could either reduce the scope of the project or seek increased funding from Conservation Futures.

**Conservation Futures  
Evaluation Questions  
Scoring Sheet**

**PROJECT NAME:** \_\_\_\_\_

**DATE OF SCORING:** \_\_\_\_\_

**REVIEWER NAME:** \_\_\_\_\_

No.	Description	Score (#)	
A-1	Meet CFP Goals		15 maximum
A-2	Adopted Plan conformance		25 maximum
<b>Subtotal A</b>			
B-1	Existing use- recreation value		15 maximum
B-2	Existing use – habitat value		15 maximum
B-3	Agriculture value		15 maximum
B-4	Protected species value		15 maximum
B-5	Historic / cultural value		15 maximum
B-6	Available access facilities		15 maximum
<b>Subtotal B</b>			
C-1	Availability in five years		10 maximum
C-2	Partnership contributions		20 maximum
<b>Subtotal C</b>			
<b>(160 maximum) TOTAL PROJECT SCORE</b>			

**REVIEWER COMMENTS:**

# APPENDIX E – CLARK COUNTY PROSECUTING ATTORNEY LEGAL OPINION ALLOWABLE DEVELOPMENT ON CONSERVATION FUTURE PROPERTIES

CLARK COUNTY  
INTERNAL CORRESPONDENCE

Date October 21, 1985

TO: Bill Dygert -  
Parks Department

FROM: Richard S. Lowry  
Prosecuting Attorney

Subject: CONSERVATION FUTURES

The following summarizes earlier oral advice in regard to permissible uses of conservation future tax levy revenues and properties acquired therewith.

1. Improvement. Properties acquired with conservation future tax revenues may be improved.

RCW 84.34.210 specifically authorizes a county to acquire the fee simple or lesser interest in open space land, farm and agricultural land, and timber land which is 'necessary to protect, preserve, maintain, improve, restore, limit the future use of , or otherwise conserve' such properties. However, in my opinion, the nature and level of development must not be such as would eliminate those characteristics of the property which originally made it eligible for acquisition with conservation future funds. Although such limitation is not expressly stated, I believe it to be necessarily implied from other statutory provisions. For example, in declaring the purpose behind the conservation future statute, the legislature in RCW 84.34.200 found that certain open areas 'if preserved and maintained in their present open state, would constitute important assets to existing and impending urban and metropolitan development' and that acquisition of such properties 'for the preservation of such open spaces and areas constitutes a public purpose . . .' Similarly, 'open space land' is defined in RCW 84.34.020 .in part to be 'any land area, the preservation of which in its present use would [listing of factors]. Finally, utilizing traditional canons of statutory construction would require that the term 'improve' as utilized in RCW 84.34.210 be read in conjunction with the phrase 'otherwise conserve': that is, improvement is permissible only to the extent that it serves to conserve the affected open space, farm and agricultural land or timber land for public use or enjoyment.

Applying the foregoing limitation, certain types of improvements would appear to be per se permissible: e.g., trails, picnic tables and view points. Conversely, other types of intense recreational development would appear .per se impermissible: e.g., a stadium or swimming pool. Between such extremes, the type and level of permissible improvement will depend upon all the circumstances. For example, utilizing a small and isolated parcel of riverside property to construct a boat ramp could be questionable. On the other hand, constructing a boat ramp within a large green belt area acquired with conservation future tax revenues would be defensible.

Similarly, parking lots and restrooms are certainly justifiable so long as they are reasonably accessory to the purpose for which the property was acquired.

The determination of appropriate improvements to the properties acquired with conservation future funding is primarily for the legislative body so long as its decision is 'reasonably debatable', such decision would withstand judicial review.

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## APPENDIX F – SUMMARY OF ACQUISITION HISTORY FOR CONSERVATION FUTURES PROGRAM (1985-2012)

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Peery, Mary	Washougal River Greenway Lower	1988	89911000	6.55	\$ 22,862.00	\$ 23,000.00
Courtney, Price etal	Burnt Bridge Creek Greenway	1989	30790352, 30790351, 30790120	11.81	\$ 184,617.00	\$ 130,000.00
Hiebert	Burnt Bridge Creek Greenway	1989	29575020, 29575022 ,29575024, 100260000	4.27		
Falk Road Apartments	Burnt Bridge Creek Greenway	1989	Easement (see Auditor's Document #8911290186, IAC Deed of Right)	1.18		
Schmid	Washougal River Greenway Lower	1989	73134173	0.12	not available	not available
Dugan (county)	Vancouver Lake Lowlands WWRP Kick-off RFP	1990	152601000, 152602000	187.80	\$ 309,871.00	\$ 309,871.00
CENEX	Vancouver Lake Lowlands WWRP Kick-off RFP	1990	147401000, 147403000	65.30	\$ 222,246.00	\$ 222,246.00
Nowlin	Vancouver Lake Lowlands WWRP Kick-offRFP	1990	188675000	7.00	\$ 18,113.00	\$ 18,112.00
Norgren	Vancouver Lake Lowlands WWRP Kick-offRFP	1990	188226000	1.00	\$ 3,916.00	\$ 3,916.00
Snoey	Vancouver Lake Lowlands WWRP Kick-offRFP	1990	183706000, 184840000, 183709000, 184839000	79.50	\$ 189,809.00	\$ 189,809.00
Stark	Vancouver Lake Lowlands WWRP Kick-offRFP	1990	146447001	0.83	\$ 3,182.00	\$ 3,182.00
Delanoy	Vancouver Lake Lowlands WWRP Kick-off RFP	1990	184755000	14.66	\$ 25,584.00	\$ 25,584.00
Slocum	Vancouver Lake Lowlands WWRP Kick-off RFP	1990	184836000	3.55	\$ 12,238.00	\$ 12,238.00

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Hines	Vancouver Lake Lowlands WWRP Kick-offRFP	1990	184835000	5.64	\$ 18,700.00	\$ 18,699.00
Mclrvn	Vancouver Lake Lowlands WWRP Kick-offRFP	1990	184725000	2.08	\$ 7,490.00	\$ 7,489.00
Farrell	Washougal River Greenway Lower	1990	89877000, 131167000, 7313140	8.39	\$ 26,739.00	\$ 35,900.00
Lovell (Big Eddy)	Washougal River Greenway Upper	1990	141056000	3.79	\$ 31,704.35	\$ 31,704.34
Drews, Laurie	Washougal River Greenway Upper	1990	96170000	0.58		\$ 11,000.00
Bergren, Arnold et.al.	Lucia South/Moulton Falls Addition	1990	232468000, 232458000	53.83	\$ 246,178.71	\$ 174,635.70
Paladini	Lucia South/Moulton Falls Addition	1991	231131000, 231130000, 232669000, 231138000	9.98	\$ 241,662.16	\$ 171,431.40
Aluminum Company of America	Frenchman's Bar	1991	153719000, 153720000, 500300-004 (Alcoa quit claims tidelands adjacent to uplands; see also Stockwell, Sally)	104.92	\$ 173,836.81	\$ 173,876.80
Mettler (Green Lake)	Vancouver Lake Lowlands WWRP Kick-offRFP	1991	500150000,191086000, 190965000, 190862000	198.31	\$ 122,500.00	\$ 122,500.00
Lents Industries	Vancouver Lake Lowlands WWRP Kick-offRFP	1991	188670000, 188659000, 188209000	83.97	\$ 49,000.00	\$ 49,000.00
Stockwell, Sally	Frenchman's Bar Tidelands	1992	500201002, 500300002, 500301002 (1/2 interest in tax lots)	4.22	\$ 28,500.00	\$ -
Columbia Rock Products	Washougal River Greenway Lower	1992	91045165, 89932000	23.24	\$ 46,428.00	\$ 46,428.00

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Wolford	Lucia South/Moulton Falls Addition	1992	232695000	2.90	\$ 19,062.67	\$ 13,522.40
Fralick Robert	Lucia South/Moulton Falls Addition	1992	232696000	4.62	\$ 15,878.94	\$ 11,264.30
Fralick, Leland/Hannah	Lucia South/Moulton Falls Addition	1992	232667000	3.00	\$ 17,051.78	\$ 12,096.40
Dolezal	Lucia South/Moulton Falls Addition	1992	232697000	2.98	\$ 15,576.50	\$ 11,049.80
Kahn	La Center Bottoms	1993	209296000, 062693000	91.97	\$ -	\$ 283,000.00
Lewis River Telephone	La Center Bottoms	1993	062646000, 209483000	20.05	\$ 15,000.00	\$ 44,900.00
James River Paper Co.	Columbia River Shoreline@ I64th	1993	122112000, 122177000, 122107000, 122130002, 500744000, 500743000	12.10	\$ 375,000.00	\$ -
Hentges	Washougal River Greenway Lower	1993	89930000, 89917000	9.58	\$ 61,172.00	\$ 59,250.00
Longview Fibre	Washougal River Greenway Upper	1994	141266000	1.12	\$ 25,000.00	\$ -
Kessinger	Washougal River Greenway Upper	1994	143702000, 143744000, 143745000	2.83	\$ 57,049.96	\$ 57,049.96
Malfait	Washougal River Greenway Upper	1994	143746000	0.04	\$ 11,254.66	\$ 11,233.00
Reber, Elwood & Elaine	La Center Bottoms Addition	1994	62659000, 62668000	4.54	\$ 15,400.00	\$ -
Zimmerly, Judith Ann	EFL Urban Wildlife Habitat	1994	214668000, 212103000	110.55		
Dugan (city)	Vancouver Lake Lowlands Addition	1994	147358000, 152586000, 152587000	102.33	\$ 1,580,000.00	
Dullenty, James	Ostenson Canyon	1994	85865000	2.32	\$ 73,000.00	Not available

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Castle	Whipple Creek Park Addition	1994	182415000	11.44	\$ 114,027.15	\$ 114,027.14
Osborn	Whipple Creek Park Addition	1994	182413000	9.04	\$ 109,986.54	\$ 109,986.54
Lansverk et al	Whipple Creek Park Addition	1995	182414000	19.97	\$ 172,570.17	\$ 172,570.16
Habersetzer -Lucia Falls	Lucia Falls North	1995	231185000, 231126000	24.25	\$ 112,520.00	\$ 908,813.00
Port of Vancouver	Frenchman's Bar Trail	1995	153512000, 153517000, 153519000	47.87	\$ 160,000.00	\$ 260,000.00
Mason	Van Lake Lowlands at Whitney Rd	1995	146658000, 147404000	6.15	\$ 39,500.00	\$ -
Schaefer	EFL Urban Wildlife Habitat	1995	211723000, 21237000, 212335000	296.46	\$ 573,983.84	\$ 492,504.16
Schaefer Easement	EFL Urban Wildlife Habitat	1995	Not Applicable (See deed 9510230319)	90.51		
Johnsrud (Happa)	Haapa	1995	253132000	4.93	\$ 99,565.24	\$ 99,565.25
Pearson, Eleanor	EFL Greenway 1-5 to La Center	1996	209745000, 209695000, 209739000	127.03	\$ 567,495.20	\$ 567,301.10
Kays, Phyllis	EFL Greenway 1-5 to La Center	1996	209489000	11.91	\$ 13,487.50	\$ 13,487.50
Barnhart, William & Don	EFL Greenway 1-5 to La Center	1996	209486000	19.50	\$ 25,399.90	\$ 25,399.90
Mitcham	EFL Greenway 1-5 to La Center	1996	209279000	23.60	\$ 31,882.29	\$ 31,882.29
White/Murphy	EFL Greenway 1-5 to La Center	1996	209480000	2.00	\$ 6,394.70	\$ 6,394.69
Parker	Washougal River Greenway Upper	1996	141395000	0.95	\$ 20,000.00	\$ -
Sanders, Clara	Washougal River Greenway Upper	1996	143527000	1.12	\$ 38,204.39	\$ 8,361.70
Morgan	Washougal River Greenway Upper	1996	143748000, 143747000	0.76	\$ 55,000.00	\$ -

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Seekins, Helen	Ostenson Canyon	1996	124812000 (8.8-acre Seekins parcel joined with Tidland parcel per b.l. adjustment)	16.49	\$ 271,000.00	Not available
Landerholm, Lansverk, Elmer	Whipple Creek Park Addition	1997	182391000, 182412000	20.03	\$ 403,038.00	
Hazel Dell Sewer Dist.	Cougar Creek Greenway	1997	98131044	0.34	\$ 37,500.00	\$ -
Davis	Lucia Falls North Addition	1997	231120000	1.35	\$ 195,734.00	\$ -
Bergren II	EFL/Bells Mtn. Greenway & Trail	1998	232673000, 232459000, 231362000, 231558000	44.86	\$ 560,033.65	\$ 523,166.35
Smith, Georgianne Dunn	EFL/Bells Mtn. Greenway & Trail	1998	232457000, 232668000	22.55	\$ 225,473.51	\$ 27,526.49
	EFL/Bells Mtn. Greenway & Trail	1998	232019000	2.00	\$ 73,337.77	\$ 70,662.23
Pearson, Frank	EFL Greenway 1-5 to La Center	1998	209747000, 210119000	59.94	\$ 585,657.70	\$ 585,657.70
Hazel Dell Sewer Dist.	Vancouver Lake Lowlands Addition	1998	146717000, 98363000	8.97	\$ 57,000.00	
Nissen Enterprises, Inc.	Vancouver Lake Lowlands Addition	1998	188320000	3.80	\$ 29,700.00	
Campbell	Burnt Bridge Creek Lettuce Fields	1998	29482000	9.75	\$ 220,229.00	\$ -
Fort James Foundation	Camp Currie	1998 to count y 2003	175929000, 175930000, 172958000, 172959000, 173166000, 173179000	248.76	\$ 2,403,079.00	\$ 1,218,000.00
Finsand	Cougar Creek Greenway	1998	98037000	1.62	\$ 119,000.00	\$ -
Gardner Family Trust, Cannard et al trustees	The Oaks	1999	91103171, 91103125, 91103174	12.55	\$ 619,000.00	\$ 213,772.00

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Natta	Burnt Bridge Creek Lettuce Fields	1999	29483000, 29461000	5.02	\$ 101,761.00	\$ -
Kerr Trust etal	Campen Creek	1999 to City 2011	134227000	13.73	\$ 733,804.00	\$ 44,794.00
Kerr Trust etal	Rolling Meadows	1999	132578000, 132793000	14.23	\$ 636,500.00	\$ 180,634.00
Fort James Foundation	Fallen Leaf Lake	1999	90245000, 90229000, 90850000	43.48	\$ 722,657.00	\$ 267,284.00
Schriber, Barbara	EFL Urban Wildlife Habitat	1999	211474000, 209281000, 211480000	241.50	\$ 858,618.00	\$ 413,284.00
River Bend Co.	Eagle Island	2000	252022000 (Clark County) EA0807001-006; EA0908002-004; EA0909001-017; EA0910001-009 (Cowlitz County)}	284.67	\$ 16,369.00	\$ 955,631.00
Lewis River Ranch	Lewis River Ranch	2000	227019000	89.00	\$ 761,765.00	\$ 838,235.00
Egger Farms, Inc.	Vancouver Lake Lowlands Addition	2000	153309000, 188456000	167.09	\$ 440,000.00	
Dunkerly et.al.	East Biddle Lake	2001	122591000	7.33	\$ 292,333.00	\$ 288,044.00
Ibrahim et.al (Range Site Inc.)	West Daybreak	2002	225383000, 225396000, 225396000, 225219000, 225189000, 225220000, 225162005, 225190000	112.54	\$ 1,067,647.00	
Fort James Camas LLC	Fallen Leaf Lake Addition	2004	124541000, 90230000, 90808000	20.76	\$ 317,500.00	

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Clark College Foundation from Langsdorf	Frenchman's Bar Tidelands	2004	500300003,500201000, 500300000, 500301-000 (Assessor's records show DNR owner of 500300-000 5.23 acres; QCDshowscountyasowneD	28.19		\$ 28,500.00
MacDonald	Mimsi Marsh	2005	122571000	7.46	\$ 300,000.00	\$ 450,000.00
Becker	East Fork Lewis - Becker	2006	212149000, 212102000,212113000	52.17	\$ 307,812.40	\$ 806,200.42
Habersetzer - Reach 17	East Fork Lewis- Reach 17	2006	249112000	168.92	\$ 565,000.00	\$ 285,000.00
Van Buren Living Trust	Whipple Creek Urban Wildlife Habitat	2006	181935000	40.00	\$ 2,330,441.00	\$ 1,020,920.00
Anderson Diversified Inc	Washougal River Greenway Lower Addition	2006	091045-164	7.24	\$ 510,000.00	\$ 1,926,000.00
Daybreak Homes (aka Chistopher)	East Fork Lewis- Christopher	2007	225820000	11.80	\$ 305,000.00	\$ 250,000.00
Morris	Lacamas Shoreline	2007	178253000	7.26	\$ 137,524.00	\$ -
Saunders	Salmon/Morgan Creek Greenspace	2007	194385000, 194601000, 194555000	81.30	\$ 1,674,200.83	\$ 400,000.00
DNR- Mud Lake	Main Lewis/ Mud Lake	2009	210782000, 210783000,210784000, 210785000	120.00	\$ 2,300,000.00	\$ -
Hartwood Homes Inc.	Rolling Meadows Addition	2010	986028-914	5.97	\$ 185,000.00	\$ 200,950.00
Koch RP Holdings I, LLC	Lacamas Shoreline	2011	124244000, 175703000, 177886000, 177896000, 178099000	64.39	\$ 837,097.17	\$ 391,695.00

Property Initial Grantor	Project	Acq Year	Serial Numbers	Acres	CF Funds	Other Funds
Koch RP Holdings I, LLC	Fallen Leaf Lake	2011	90248000, 90811000, 90812000, 90941000	54.80	\$ 380,000.00	\$ 1,670,000.00
R.W.Wilson & J. Quann	Wilson - Cedar Creek Donation	2011	260885000	4.50	\$ -	\$ 115,000.00
Lakeside Communities	Lacamas Heritage Trailhead	2012	986030087	1.00	\$ 30,000.00	\$ 120,953.00
<b>TOTALS</b>				4,058.3	\$ 28,016,452.49	\$ 18,386,190.72

**APPENDIX G - CLARK COUNTY PROPERTY MANAGEMENT GUIDELINES**

# **Clark County Property Management Guidelines**

**November, 2012**

**Prepared by the Department of Environmental Services**

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## **Appendices**

Appendix A	Operations Framework
Appendix B	Example Acquisition Checklist/Activity Log

## I. Purpose and Intent of Management Guidelines

- A. Articulate the county's property management system.
- B. Articulate responsibilities of various departments with property management responsibility.
- C. Identify general procedures that will apply to all departments with property management responsibility.
- D. Provide a centralized repository for key information on county real property.
- E. Proactively manage real properties and assess suitability of existing assets for new program needs prior to acquiring new assets.

## II. Inventory of Real Property

- A. An inventory of all property owned or leased by the county shall be compiled and maintained, except for road rights-of-way. The inventory shall identify, at a minimum:
  - 1. The county purposes for which specific properties were acquired, including proposed programming and interim uses.
  - 2. Current use of the properties and any improvements on the properties.
  - 3. Identify any funding sources and encumbrances that limit use or future disposition of property.
  - 4. Environmental Services will coordinate compilation and revision of the inventory with designated custodial departments.
  - 5. The database will be accessed through the Supplemental Property Information (SPI) System maintained by GIS. The SPI system will be available to all county employees, but will not be accessible to the general public.
- B. A "custodial department" shall be identified for each parcel of land the county owns and a unique user identification number will be assigned in the inventory to each property referencing the respective custodial departments<sup>1</sup>.
  - 1. Custodial departments are designated based on primary responsibility for programming uses of specific properties and funding development. Other considerations include the department who provides maintenance of uses and facilities on the properties.
  - 2. Custodial departments are responsible for annually updating the inventory for properties under their custody. Environmental Services will coordinate update of the property inventory, including the database of county-owned properties and custodial

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<sup>1</sup> The following unique user IDs have been included in the Supplemental Property Information system:

Clark County generic (#36169), Clark County contract buyer (#36192), Community Services (#513593), Environmental Services Clean Water Program (#36139), Environmental Services Legacy Lands Program (#506528), Environmental Services Solid Waste Program (#506530), General Services generic (#36113), General Services Amphitheater (#36100), General Services Fairgrounds (#36103), General Services Railroad (#36141), General Services Sheriff/Fire (#36117), Vancouver-Clark Parks and Recreation (#36136), Public Works generic (#36181), Public Works Operations (#36111), and Treasurer (#36173).

department designations through the property coordinating committee and transmit to GIS for input into the SPI system.

3. Custodial departments are responsible for notifying the Auditor of all real property transactions. Excise tax forms submitted to the Treasurer should identify the county real property “owner” consistent with the SPI unique user title and id number (i.e. Environmental Services – LL, No. 506528)
4. Each custodial department shall designate staff to participate on a property coordinating committee, chaired by the Environmental Services representative. The coordinating committee will advise on:
  - a. Development of, uses for and amendment to the inventory.
  - b. Updates to and maintenance of information in the inventory.
  - c. Updates to and maintenance of the property management guidelines.
  - d. The committee may also be used as review body to advise on specific requests for acquisition of real property, in fee or lesser interest, leases of county property or county requests to lease other public or private property, surplus and disposition of county real property and property interests.
  - e. Committee may coordinate via digital media or convene as necessary.
- C. Custodial departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to acquire, develop, maintain and operate county owned properties. Appendix A identifies current departmental operational responsibilities for county real property.
- D. As properties transition with use due to development or change in program, the property coordinating committee will review and assign a new custodian for the property based on new use.

### **III. Designation of Custodial Departments<sup>2</sup>**

- A. The Environmental Services Department is the custodial department for:
  1. Open space, greenways, primary agriculture, forest and other natural resource properties in the unincorporated county, predominantly in an undeveloped state, except for those properties within the Greater Clark Park District (urban park area).<sup>3</sup> This includes properties that the county owns in fee, as well as properties in which the county owns lesser real property interests, such as conservation easements. Properties that are primarily in a natural state but are programmed for a level of use may have a different custodian.

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<sup>2</sup> Many county properties have dual/multiple purposes based on funding sources used to acquire and develop properties, permitting requirements, anticipated future use and activity programming. The inventory assigns a primary custodial department for each legal county-owned parcel. Within a geographic unit composed of multiple parcels, there may be distinct custodial departments for each parcel. In cases where multiple uses occur on the same parcel, for example a park with a stormwater facility, the custodial department is assigned on the basis of the primary use, in this case, a park.

<sup>3</sup> Many such properties were acquired all or in part with Conservation Futures Fund revenue. Acquisition funding sources are a significant factor in assigning custodial department responsibilities for undeveloped properties.

2. Undeveloped regional parks for which revenues from the county's Conservation Futures Levy contributed toward the acquisition and transfers of State Trust Lands outside of the Greater Clark Park District. Properties that are primarily in a natural state but are programmed for a level of use may have a different custodian.
  3. Water quantity and quality management facilities. This includes habitat and wetland mitigation sites, acquired and managed to comply with requirements of the county's National Pollutant Discharge Elimination System Municipal Stormwater Permit.
  4. Habitat and wetland mitigation sites for all county capital projects, subsequent to an initial ten year maintenance and monitoring period. During the ten year maintenance and monitoring period, the custodial departments responsible for the capital projects are responsible for the mitigation sites, unless mutually agreed to otherwise by affected custodial departments.
  5. Tracts dedicated to, and accepted by, the county through land division processes for purposes of stormwater management or critical areas protection.
  6. Conservation covenant and easement interests in private property acquired through critical areas permitting processes.
  7. English Pit and Leichner landfills and other closed or abandoned landfills for which the county chooses to assume responsibility.
- B. The General Services Department is the custodial department for:
1. The Main County Office Campus<sup>4</sup> and Community Health Campus.
  2. 911 Towers, county jail, jail work center and Sheriff's satellite precincts.
  3. The Clark County Fairgrounds and Amphitheater.
  4. Tri-Mountain Golf Course.
  5. The Clark County 78<sup>th</sup> Street Heritage Farm.
  6. The Lewis and Clark Rail line
- C. The Public Works Department is the custodial department for:
1. County roads and rights-of-way.
  2. County Public Works operations center, satellite operations yards, and aggregate extraction sites.
  3. The Salmon Creek Wastewater Treatment Plant, land and facilities associated with water pollution abatement functions such as pump station sites and sewer line rights of way.
  4. Camp Bonneville.
- D. The Vancouver-Clark Parks and Recreation Department is the custodial department for:
1. Properties within the Greater Clark Park District pursuant to the provisions of the parks interlocal agreement between Clark County and the City of Vancouver.
  2. Regional trail corridors (developed and undeveloped) pursuant to the provisions of the parks interlocal agreement between Clark County and the City of Vancouver.

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<sup>4</sup> The main campus includes properties and structures owned by the county in downtown Vancouver including the Public Services Center, Court House, Pepsi building, Dolle building, Wolfe building etc.

3. All neighborhood parks, community parks and sports fields (developed and undeveloped), pursuant to the provisions of the parks interlocal agreement between Clark County and the City of Vancouver.
4. All developed regional parks and undeveloped regional parks that were specifically acquired for regional park use for which revenues other than those derived from the Conservation Futures Levy were used to acquire the parcel(s).<sup>5</sup> Notwithstanding custodial department designation, Vancouver-Clark Parks and Recreation is responsible for recreational programming on regional park properties.
- E. The Treasurers Office is responsible for tax title properties.
- F. The Department of Community Services is responsible for the Val Ogden Center.

#### **IV. Board of County Commissioners Authority**

- A. Except where otherwise indicated in Sections V-IX, the Board of County Commissioners has ultimate authority for county decisions regarding real property. Key decisions include:
  1. Approval and amendment of the biennial budget.
  2. Approval of grant application submittals.
  3. Execution of grant and intergovernmental agreements.
  4. Approval of real property purchase and sale agreements, both in fee and in lesser property interest.
  5. Acceptance of deeds to real property.
  6. Approval of leases, both as lessor and lessee.
- B. Board consideration of real property decisions are scheduled as public hearing/consent calendar items. In some cases, work sessions are advised prior to scheduling as consent calendar items. Fiscal impacts of real property decisions should be identified in the staff reports.
- C. In order to streamline review processes, the Board of County Commissioners may authorize the Chair of the Board, the county Administrative Officer, Department Heads or other appropriate officials to execute various related documents, once the initial real property decision is made. For example, the Board of County Commissioners may approve execution of a purchase and sale agreement to acquire land for a county purpose. In the approving action the Board could:
  1. Authorize the Chair of the Board to accept the deed to the property prior to recording, once closing occurs.

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<sup>5</sup> The Comprehensive Parks, Recreation and Open Space Plan describes Regional Parks as "...recreational areas that serve residents from throughout Clark County and beyond. Regional parks are usually larger than 50 acres in size and provide opportunities for diverse recreational activities. Facilities may include sports fields, extensive trail systems, or large picnic areas. In addition, regional parks often include passive recreation space and unique features, such as significant natural areas or access to lakes or rivers. Because of their large size and broad service area, regional parks typically require more support facilities such as parking and restrooms...."

2. Authorize the Chair of the Board to execute deeds of right, covenants or other documents that may be required as conditions of grant or partner funding contributions toward the acquisition, once closing occurs.
  3. Instruct the County Administrator to execute interlocal agreements or other contracts that may address maintenance responsibilities for the property, once acquired.
- D. County policy is to pursue purchase from willing property owners and through voluntary negotiations as a first option. However, the Board of County Commissioners may initiate the use of eminent domain proceedings, if they determine it is in the public interest, pursuant to RCW 8.08 and CCC 2.33A.

## **V. Acquisition of Real Property**

- A. Several policies may trigger acquisitions including:
1. Compliance with adopted county road standards and plans.
  2. Compliance with adopted county park standards and plans.
  3. Compliance with the Clark County Comprehensive Growth Management Plan and associated Capital Facilities Plan.
  4. Compliance with Clean Water Act requirements and related permits.
  5. Conservation Futures program and Conservation Areas Acquisition Plan implementation.
  6. Growth in demands related to county services including criminal and juvenile justice, health and community services, general purpose government.
  7. Responsiveness to state and federal mandates and community priorities.
- B. Directors of custodial departments, as identified in Section III, are responsible for acquisition processes related to the respective categories of county land.
- C. Directors of custodial departments shall assess acquisition funding sources for short and long term obligations including viability of potential non-county resources and potential encumbrances that may be associated with outside funding when considering property acquisition.
- D. Directors of custodial departments may recommend conveyances of property interests to the county through development permits.
- E. Prior to acquiring land not currently owned by the county, custodial department directors will analyze whether land needs can be satisfied on existing county parcels including:
1. Articulate the specific land need.
  2. Review the current inventory of county lands with particular attention to parcels that may be identified as potentially surplus pursuant to Section VII D.
  3. Discuss candidate sites (and associated encumbrances) with the respective custodial department director(s).
  4. Identify potential for meeting multiple county goals with the subject parcel.
  5. Prepare a summary of the analysis.
- F. If land needs cannot be met on existing county lands, the custodial department director may pursue acquisition on non-county owned land pursuant to the procedures articulated in Section V I.

- G. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to carry out acquisition responsibilities.
- H. Except as provided for in Section V I.9., county purchases of real property shall be subject to acceptance by the Board.
- I. Acquisition of real property – Standard Procedures:
  - 1. Fair Market Value is established through an appraisal.
  - 2. Appraisals are completed and approved by a real estate appraiser licensed in the state of Washington pursuant to 18.140 RCW.
  - 3. Review appraisals, when required by state or federal regulations or grant funding sources, or when determined advisable by the custodial department, shall be completed by a Member of the American Institute of Real Estate Appraisers (MAI) licensed in the state of Washington.
  - 4. Appraisal Reports and Reviews for acquisitions involving federal funding must be in compliance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA).
  - 5. For all other funding programs appraisals meeting the current Uniform Standards of Professional Appraisal Practice (USPAP) publication are acceptable with the following exceptions:
    - a. Extraordinary Assumptions and Hypothetical Conditions must be clearly listed and justified in the appraisal report.
    - b. Appraisals must consider existing encumbrances.
    - c. The restricted format for reporting appraisals is not acceptable.
    - d. Appraisers must provide a specific point value rather than a value range.
    - e. Property owners are given an opportunity to accompany each appraiser during inspection of the property.
  - 6. County Completes Due Diligence Investigations:
    - a. A title search is completed and a preliminary title report prepared and reviewed with the Prosecuting Attorney.
    - b. If no prior survey exists, a boundary survey of the property is completed and a legal description of the property is prepared.
    - c. Acquisitions involving federal funding shall prepare all required maps and exhibits, such as the Land and Water Conservation Fund 6(f)(3) map, based on the legal description of any easements or other encumbrances that may restrict use of the property.
    - d. Acquisitions that may receive grant funding will meet all requirements of the anticipated funding source.
    - e. A site inspection, or series of site inspections, is/are conducted to determine that the property is suitable for the intended county purpose.
      - i) Zoning is appropriate for the intended use.
      - ii) Necessary land use permits for the intended use are identified/verified.
      - iii) Structures meet current building code requirements.

- iv) An Americans with Disabilities Act (ADA) and/or Outdoor Accessibility (USDOJ) assessment is completed.
  - f. A hazardous materials questionnaire is completed by the property owner:
    - i) If deemed advisable by the custodial department, a Phase I Environmental Site Assessment is completed.
    - ii) The format and content of Phase I ESA reports must be in general accordance with the American Society for Testing of Materials (ASTM) Standard Practice for Environmental Site Assessments including: Site Assessment Process E-1527-05 and the United States Environmental Protection Agency's (USEPA) standards for All Appropriate Inquiries (AAI) at 40 Code of Federal Regulations (CFR) Part 312.
- 7. County Provides Property Owner Protections:
  - a. County policy is to pursue purchase from willing property owners and through voluntary negotiations as a first option.
  - b. Except as indicated in Section IV D, county will take no action to advance condemnation, defer negotiations or condemnation, or take any other action coercive in nature in order to compel an agreement on the price to be paid for the property.
  - c. Property owners are not to be left with uneconomic remnants that the county does not offer to acquire.
  - d. County will acquire an equal interest in all buildings and facilities, etc. located upon the real property acquired.
  - e. County provides written statements of just compensation offered for the properties of interest. Compensation for damages, if any, to the remaining real property shall be separately stated in the written statements.
  - f. No property owner can voluntarily donate his property prior to being informed of the right to just compensation.
  - g. As applicable, county will follow all provisions of the "Relocation Assistance Real Property Acquisition Policy."
- 8. Acquisition of real property - Exceptions to standard procedures:
  - a. Intergovernmental Transactions: The Board may sell, trade, transfer or lease county property to another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed adequate by the Board.
  - b. Private Exchange: The Board may authorize the exchange of surplus county real property for privately owned real property, provided, that the exchange of tax title lands shall be governed by:
    - i) The value of the real property to be exchanged by the county and the value of the real property to be received by the county shall be determined by qualified independent appraiser(s).
    - ii) Unless the value of the real property to be exchanged is more than five (5) times the value of the real property to be received, the Board may approve the exchange and specify whether the difference in value, if any, shall be paid in

cash at closing or be paid pursuant to an appropriate real estate contract or deed of trust.

- c. Trade-ins: The county may trade in property belonging to the county when purchasing other property:
  - i) If the county elects to trade in property, it shall include in its call for bids on the property to be purchased a notice that the county has for sale or trade-in property of a specified type, description and quantity which will be sold or traded in on the same day and hour that the bids on the property to be purchased are opened. Any bidder may include in its offer to sell an offer to accept the designated county property in trade by setting forth in the bid the amount of such allowance.
  - ii) In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted.
  - iii) The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract.
  - iv) The county shall consider offers in relation to the trade-in allowances offered to determine the next best sale and purchase combination for the county.
- d. Emergency: In the event of an emergency, when the interest or property of the county would suffer material injury or damage by disposition in accordance with the foregoing provisions, the Board, upon declaring the existence of such an emergency, may authorize the county administrative officer to sell or lease such property upon such terms and procedures as to the Board appear to be in the public interest.
- e. Unmarketable Parcels: A parcel of surplus real property, which in and of itself would have little utilitarian value because of its size or shape, may be offered and sold to owners of adjoining properties by private negotiation.
- f. Limited-Use Parcels—Covenant Restrictions: Where restrictive covenants, dedication limitations, grant conditions or other legally enforceable restraints, including such restraints placed upon property by the county, limit use of surplus property to a specific public purpose, such property may be conveyed by negotiation upon such terms and conditions as are consistent with such restraint and based upon an opinion of value from a Member of the American Institute of Real Estate Appraisers (MAI).
- g. Limited-Use Parcels—Restrictive Characteristics: Property determined to be surplus to the immediate needs of the county, but which because of its location, configuration or other characteristic is especially and uniquely suitable for a particular quasi-public use requiring special legal, financial or technical qualifications, all as determined by the Board, may be sold or leased through a public request for proposal process.
- h. Relocation Sales: The Board may authorize the direct sale by private negotiation of county-owned residences to a person being relocated by a county project; provided, that the sale price for such property shall not be less than its appraised value as determined by an MAI.

- i. **Public Purpose Sales:** The Board may convey title to county real property to a bona fide nonprofit corporation to be improved and utilized in perpetuity to further a recognized county purpose; provided, the conveyance document(s) shall contain appropriate contract provisions and/or deed or deed of trust restrictions and covenants relating to timing of improvements, disposition of revenue, accessibility by the general public, nondiscrimination, compliance with laws, removal of liens, and reversion of title.
  - j. **Mineral Rights:** The sale of mineral rights for extraction of aggregate on county property as a portion of a larger project to prepare such property for future public use may be by request for proposals.
  - k. **Donations:** The county may accept a donation of a property after careful review of the property, deed restrictions and its intended use. The county staff is required to assess the financial impacts of accepting the property, including on going fees, maintenance and life cycle costs, revenue potential, as well as development for the anticipated programmed use.
  - l. **Land-transfers:** The county may accept land transfers from other governmental or non-profit agencies upon careful review of the property, deed restrictions and its intended use. The county staff is required to assess the financial impacts of accepting the property, including on going fees, maintenance and life cycle costs, revenue potential, as well as development for the anticipated programmed use.
  - m. County staff is authorized to negotiate acquisitions on behalf of the county and is not subject to provisions of 18.85 RCW. Notwithstanding this provision, if in the judgment of the Board of County Commissioners the sale of real property of the county would be facilitated and a greater value realized through the use of the services of licensed real estate brokers or by such other method as is determined to most likely result in the receipt of full value for such property, a contract for such services may be negotiated and concluded; provided, that a minimum sales price for such property shall be set by an MAI.
9. Acquisition of real property - Conveyances of property interests to county via development permits:
- a. Conveyances not involving the direct expenditure of county funds made to satisfy conditions of short plat, conditional use permit, site plan or other county land use approval may be accepted PROVIDED,
    - i) The custodial department that will assume responsibility for managing the property has had the opportunity to review the proposed dedication during the preliminary subdivision, short plat or development permit process.
    - ii) The custodial department that will assume responsibility for managing the property agrees to placing condition(s) of approval requiring the dedication(s) on the preliminary subdivision, short plat or development permit approval(s).
    - iii) The custodial department and landowner or authorized agent will formally execute a written instrument accepting the dedication upon fulfillment of all conditions of the preliminary development approval and formal filing for final development approval.

- iv) Acceptance of plat dedications shall be processed in accordance with RCW 58.17.165 through 58.17.170.
- b. Conveyances of real property for county road projects, road improvement districts, stormwater quantity and quality control, sanitary sewer rights-of-way, park projects, critical/sensitive lands, other natural resource lands and planned acquisitions/incentive programs approved by the Board may be accepted; PROVIDED:
  - i) The purchase price, if any, does not exceed twenty-five thousand dollars (\$25,000); and
  - ii) The purchase price, if any, does not exceed the appraised value of the interest being acquired; and
  - iii) Sufficient funds for the acquisition have been budgeted.
- c. Directors of custodial departments, as identified in Section III, are authorized to accept on behalf of Clark County conveyances of interest in real property in accordance with their respective responsibilities.
- d. Directors of the respective custodial departments shall note acceptance on the face of the instrument of conveyance in substantially the form set forth below and thereafter shall promptly cause such instrument to be recorded with the Clark County Auditor:

Accepted on behalf of Clark County  
under the authority of CCC Chapter \_\_\_\_\_

\_\_\_\_\_  
Department Director  
Clark County, Washington

- e. Directors of the departments, as identified in Section III, shall be responsible for incorporating all conveyances into the annual update of county lands required by Section II B 2.
  - f. Directors of custodial departments, as designated in Sections III are responsible for maintaining conveyances related to the respective categories of county land.
  - g. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to carry out maintenance responsibilities.
- J. Acquisition Files and Records Retention
- 1. Custodial departments are responsible for organizing and maintaining files for any real property acquisitions they pursue.
  - 2. File components include:
    - a. **Status:** an acquisition activity log, an example of which is located in Appendix B.
    - b. **Correspondence:** e-mails, letters and negotiator's diary.
  - c. **Physical Site Review:** site analysis information and any due diligence surveys/reports such as property boundary survey, cultural resource survey, wetland delineations, hazardous/toxic substances environmental assessments, structural surveys, etc.

- d. **Maps:** maps and graphics relating to the project.
  - e. **Approvals and Agreements:** Board of County Commissioners staff reports and authorizations, acquisition funding and grant agreements, acquisition offer letters, purchase and sale agreements, etc.
  - f. **Title:** title reports, insurance and deeds to property, recorded easements that affect the property, recorded deeds of right or other documents required by acquisition funding partners or that may restrict the use of the property.
  - g. **Budget and Closing:** documentation of acquisition expenditures, HUD escrow settlement statements, Treasurer excise tax forms, etc.
  - h. **Appraisals:** appraisals, review and summary appraisals conducted.
3. Custodial departments are responsible for contract services solicitation for acquisition projects pursuant to the county's procurement policies and for maintaining all required documentation prescribed by funding and grant agreements that support an acquisition.
    - a. Parallel acquisition project files, contract services files and funding agreement files may be established to facilitate contract administration and oversight and funding entity review for county compliance with funding agreement provisions.
    - b. When parallel files are established, clear cross-references among acquisition project files, contract services files and funding agreement files shall be included in all files.
  4. Once an acquisition is completed, custodial departments are responsible for review and assembly of acquisition project files in a manner that facilitates creation of an electronic or other secured back-up copies as required by the Washington State Archives and local government records retention schedule.
  5. After purging and organizing files and creating required back-up copies, custodial departments shall transmit the paper acquisition project files to Public Works Real Property Services who will serve as the central repository for county acquisition files. Paper files shall be organized in the following sequence starting from the bottom of the file:
    - a. Title report and updates.
    - b. Appraisals and reviews.
    - c. Initial offer to purchase letter.
    - d. Correspondence and e-mails.
    - e. Administrative settlement justification and approval, if applicable.
      - f. Revised offer letter(s), if applicable.
      - g. Donation documents, if applicable.
      - h. Negotiator's diary.
      - i. Copy of warrant(s) or other proof of payment to seller for the acquisition.
      - j. Title policy.
      - k. Copies of recorded documents.
      - l. Project funding agreements.

## VI. Leases of Real Property

- A. County as Lessee:
  1. Leases may be explored for several reasons, including:
    - a. Growth in demands related to county services that cannot be accommodated within the existing county physical plant.

- b. When a lease provides a more cost-effective approach for satisfying expansion of the county physical plant than an acquisition.
  - c. Where a unique county use, such as a shooting range for Sheriff's training, solid waste management facility, etc. is best located on a site with attributes that are advantageous or necessary to support that use.
  - d. For interim periods where the existing county personnel or unique county uses may be temporarily displaced by major renovations.
  - e. To provide a more convenient, accessible service for the citizens of the county.
  - f. To support efficiencies in maintenance costs associated with the property.
2. Directors of the departments, as identified in Section III, are responsible for assessing property restrictions and limitations, including obligations related to grant funding that may have been used to acquire or develop the property, prior to negotiating leases related to the services over which they have custody.
  3. Prior to leasing land not currently owned or leased by the county, custodial department directors will analyze whether lease needs can be satisfied on existing county parcels or properties that the county is already leasing including:
    - a. Articulate the specific lease need.
    - b. Review the calendar of existing leases required in Section VI A 5. and the current inventory of county lands with particular attention to parcels that may be identified as potentially surplus pursuant to Section VII D.
    - c. Discuss candidate sites that may fill the need with the respective custodial department director(s).
    - d. Analyze land use, building code, ADA, outdoor accessibility, permitting context and other property encumbrances and whether the property and/or structure(s) are appropriate for the intended use.
    - e. Analyze initial acquisition details and subsequent funding sources to insure intended use does not violate deed restrictions or grant obligations.
    - f. Prepare a summary of the analysis.
  4. If land needs cannot be met on existing county lands, or lands already under lease to the county, the appropriate custodial department director shall locate and investigate properties which are adaptable to such needs and uses and prepare a report summarizing findings.
  5. Custodial department directors shall maintain a calendar of leases with their expiration or renewal dates for leases under which the county uses property owned by others. Custodial department directors shall notify each other, the County Administrative Officer and the Board of County Commissioners of pending expiration of leases and options for continuation or termination of leases, well in advance of lease expiration so that appropriate action can be taken prior to expiration of the lease.
  6. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to negotiate leases.
  7. Standard procedures for leasing property:

- a. The Board shall approve leases of real property for a term in excess of one (1) year. The Board may delegate signature authority for leases, extensions of and amendments to leases, to the County Administrator, Department Heads or other appropriate officials.<sup>6</sup>
  - b. The custodial department director prepares a summary of the analyses required in VI A 3 and 4 and the director's conclusion of the fair market rental value of the property or properties available for leasing as well as terms and conditions upon which such property or properties can be leased
  - c. The custodial departments, as identified in Sections III A, are responsible for compliance with lease provisions.
  - d. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to comply with lease terms.
- B. Leases of real property - county as lessor:
1. Leases may be solicited for several reasons including:
    - a. To maximize revenue generation.
    - b. To provide support services for recreational use and enjoyment.
    - c. To ensure underutilized components of the county physical plant, while needed in the long term, are optimally utilized in the interim period.
    - d. To reduce county maintenance and capital improvement costs for lands and facilities.
  2. Custodial department directors, as identified in Section III, are responsible for negotiating leases of properties under their custody and for enforcing terms of lease agreements.
  3. Airspace associated with real property may also be leased and is implicit in the term, "property."
  4. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to negotiate and enforce leases.
  5. Standard procedures for leasing property:
    - a. Leases should not restrict future options for use according to deed or funding restrictions, or the intended purpose of the acquisition.
    - b. The Board of County Commissioners shall approve leases of real property for a term in excess of one (1) year. The Board may delegate signature authority for leases, extensions of and amendments to leases, to the County Administrator, Department Heads or other appropriate officials<sup>4</sup>.
    - c. All leases of county property shall be made to the highest responsible bidder, except as indicated in Section VI B.5.:

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<sup>6</sup> Delegation of signature authority typically occurs through the BOCC staff report process when the initial property decision is made. Signature authority for several leases in the downtown campus, for example, have been delegated to the County Administrator through this process.

- i) In determining the highest responsible bidder for leases, the custodial department director may consider the price and terms bid;
    - ii) the character, integrity, reputation and financial responsibility of the bidder; and
    - iii) previous experience, if any, of the county with the bidder.
  - d. The custodial department director shall cause notice of the prospective lease of county property to be published once each week for two successive weeks in a newspaper of the county or via internet, the last date of publication being at least ten (10) days before the date of lease.
  - e. The notice shall describe the property, the time and place where the property may be inspected, the time, place and manner of sale or lease.
  - f. The county may lease real property for a term of years and upon such terms and conditions as may be deemed in the best interests of the public and the county<sup>7</sup>. No lease shall be for a longer term in any one instance than ten (10) years with the following exceptions:
    - i) When the Board determines it to be in the best public interest, real property necessary to the support or expansion of an adjacent facility may be leased to the lessee of the adjacent facility for a term to expire simultaneously with the term of the lease of the adjacent facility, but not to exceed thirty-five (35) years.
    - ii) When the Board determines it to be in the best public interest, where the property to be leased is improved or is to be improved, and the value of the improvement is or will be at least equal to the value of the property to be leased, the county may lease such property for a term not to exceed thirty-five (35) years.
    - iii) Where the property to be leased is to be used for major airport, industrial or commercial or county fair purposes, requiring extensive improvements, the county may lease such property for a term equal to the estimated useful life of the improvements, but not to exceed fifty (50) years.
6. Exceptions to standard procedures:
- a. Public Purpose Leases: The Board may enter into rental agreements for the use of county property with bona fide nonprofit organizations or other public agencies wherein the organization is to make improvements or provide services to further a recognized county purpose. However, leases should not restrict future options for use according to deed or funding restrictions, or the intended purpose of the acquisition.
  - b. The agreement may be for less than fair market rental so long as the general public is not unreasonably restricted from access to the improvements or services so provided.
  - c. Short-Term Rentals: The custodial department director may permit use of county facilities by a third party for up to seventy-two (72) hours upon such terms as may be mutually agreed upon; provided, that such use furthers a county purpose.

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<sup>7</sup> Leases may include provisions for renewal at the end of the term.

- d. Established Rental Value: Where the fair market rental value of county real property has been established by a Member of the American Institute of Real Estate Appraisers as less than one thousand five hundred dollars (\$1,500) per month, or, in the case of rentals of one thousand five hundred dollars (\$1,500) or more per month, in accordance with accepted appraisal methods and standards, such property may be leased by private negotiation at no less than the value so established.
  - e. Watchperson's/Caretaker's Property: Leases that include watchperson's/caretaker's responsibility for adjoining county-owned property may be leased by private negotiation.
  - f. Purchase and Sale Agreements: In situations where purchase and sale agreements include provisions such as life-estates or lease back provisions to the party(ies) from which county acquired property.
  - g. Mineral Rights: The lease of mineral rights for extraction of aggregate on county property as a portion of a larger project to prepare such property for future public use may be by request for proposals.
  - h. Agricultural: Agricultural leases shall take into account a minimum numbers of years to successfully establish a viable crop. The lease shall be negotiated to allow for successful crop without infringing on the proposed future use or development schedule for the property.
  - i. Grazing: Terms of grazing leases shall be negotiated to insure that grazing does not conflict with restrictions on property, including grant obligations, does not adversely impact proposed future uses of property, nor infringe on development schedules for the property.
  - j. Timber Harvest: Harvest of timber from county-owned property will be via contract other than lease agreement and will be subject to appropriate competitive bid processes and requirements.
7. Lease revenues should be directed to the department responsible for programming the uses and funding the maintenance of the affected facilities, unless otherwise directed by the Board of County Commissioners.

## **VII. Surplus and Disposition of Real Property**

- A. The county may consider declaring property surplus and sale of county properties for several reasons including:
  - 1. To provide efficient management and protection for all county controlled properties.
  - 2. To insure the maximum return of all sales, rentals or leases of county controlled properties, except as otherwise provided for herein.
  - 3. To dispose of all property that is not required for county purposes.
- B. The Board shall approve all sales of real property, after considering recommendations on potential sales from appropriate advisory Boards and commissions.

- C. Custodial department directors, as identified in Section III, are responsible for analyzing whether properties under their custody are needed for continuing county purposes, and for administering surplus and disposition requests, if property is no longer needed.
- D. Directors of the departments, as identified in Section III, are responsible for annually updating the inventory of county land that will reflect acquisitions and dispositions of real property over the intervening period, including all conveyances to and conveyances by the county. Each year directors shall review the list of property under their custody and evaluate whether or not any may be considered for surplus and sale or lease. The evaluation must consider:
  - 1. The current public purpose for the property and whether or not the public purpose for which the county originally took ownership is still valid.
  - 2. Deed, grant and other funding restrictions associated with county acquisition of the property and their implications for property surplus.
  - 3. Encumbrances that may affect the utility and/or value of the property.
  - 4. A financial analysis of initial acquisition costs, the history of county investments in the property, annual costs associated with ongoing maintenance and operations and an estimate of the financial return to the county, should the property be sold as surplus.
- E. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to analyze and administer surplus property investigations and property sales.
- F. Surplus and disposition of county property - Standard procedures:
  - 1. All sales of county real property shall be made to the highest responsible bidder at public sale, except as provided in Section VII G.
  - 2. On sales for cash, the highest bidder shall be deemed responsible:
    - a. In determining the highest responsible bidder for other sales, the custodial department director may consider the price and terms bid;
    - b. the character, integrity, reputation and financial responsibility of the bidder; and
    - c. the previous experience, if any, of the county with the bidder.
  - 3. The custodial department director shall cause notice of the sale or lease of surplus county property, describing the property, the terms of sale, and the time, place and manner of sale or lease, to be published once each week for two successive weeks in a newspaper of the county, the last date of publication being at least ten (10) days before the date of sale or lease.
  - 4. Any notice of sale of real property shall include both its legal description and street address, if any, and the terms of sale if the sale is for other than cash.
- G. Surplus and disposition of county property - Exceptions to standard procedures:
  - 1. Intergovernmental Transactions: The Board may sell county real property to another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed adequate by the Board.
  - 2. Private Exchange: The Board may authorize the exchange of surplus county real property for privately owned real property, subject to the provisions of this

subsection; provided, that the exchange of tax title lands shall be governed by RCW [36.35.050](#):

- a. The value of the real property to be exchanged by the county and the value of the real property to be received by the county shall be determined by qualified independent appraiser(s) licensed in the state of Washington.
  - b. Unless the value of the real property to be exchanged is more than five (5) times the value of the real property to be received, the Board may approve the exchange and specify whether the difference in value, if any, shall be paid in cash at closing or be paid pursuant to an appropriate real estate contract or deed of trust.
3. Trade-ins: The county may trade in property belonging to the county when purchasing other property:
- a. If the county elects to trade in property, it shall include in its call for bids on the property to be purchased a notice that the county has for sale or trade-in property of a specified type, description and quantity which will be sold or traded in on the same day and hour that the bids on the property to be purchased are opened.
  - b. Any bidder may include in its offer to sell an offer to accept the designated county property in trade by setting forth in the bid the amount of such allowance.
  - c. In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted. The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract.
  - d. The county shall consider offers in relation to the trade-in allowances offered to determine the next best sale and purchase combination for the county.
4. Emergency: In the event of an emergency, when the interest or property of the county would suffer material injury or damage by disposition in accordance with the foregoing provisions, the Board, upon declaring the existence of such an emergency, may authorize the county administrative officer to sell or lease such property upon such terms and procedures as to the Board appear to be in the public interest.
5. Unmarketable Parcels: A parcel of surplus real property, which in and of itself would have little utilitarian value because of its size or shape, may be offered and sold to owners of adjoining properties by private negotiation.
6. Limited-Use Parcels—Covenant Restrictions: Where restrictive covenants, dedication limitations, grant conditions or other legally enforceable restraints, including such restraints placed upon property by the county, limit use of surplus property to a specific public purpose, such property may be conveyed by negotiation upon such terms and conditions as are consistent with such restraint and based upon an opinion of value from a Member of the American Institute of Real Estate Appraisers (MAI).
7. Limited-Use Parcels—Restrictive Characteristics: Property determined to be surplus to the immediate needs of the county, but which because of its location, configuration or other characteristic is especially and uniquely suitable for a particular quasi-public use requiring special legal, financial or technical qualifications, all as determined by the Board, may be sold or leased through a public request for proposal process.

8. Relocation Sales: The Board may authorize the direct sale by private negotiation of county-owned residences to a person being relocated by a county project; provided, that the sale price for such property shall not be less than its appraised value as determined by an MAI.
  9. Public Purpose Sales: The Board may convey title to county real property to a bona fide nonprofit corporation or other public agency to be improved and utilized in perpetuity to further a recognized county purpose; provided, the conveyance document(s) shall contain appropriate contract provisions and/or deed or deed of trust restrictions and covenants relating to timing of improvements, disposition of revenue, accessibility by the general public, nondiscrimination, compliance with laws, compliance with any grant or funding obligations, removal of liens, and reversion of title.
  10. Mineral Rights: The sale of mineral rights for extraction of aggregate on county property as a portion of a larger project to prepare such property for future public use may be by request for proposals.
- H. Allocation of revenue from sale of surplus property:
1. If the property was originally purchased with revenue from a dedicated fund, such as the Road Fund, Clean Water Fund, Conservation Futures Fund, or development impact fee district, revenue from sale of property should be directed to the dedicated fund used to acquire the property.
  2. If the general fund or other non-dedicated fund was used to acquire the property, surplus property revenues should be directed to the custodial departments, as indicated in Section III A, unless otherwise directed by the Board of County Commissioners.

## **VIII. Easement Requests**

- A. County as Grantor:
1. Temporary and permanent easements for utility purposes, other than service to county property, may be granted by the County Administrative Officer if the easements will not interfere with or hinder the programmed or future use of the property by the custodial department.
  2. Utility and other easements that exceed fifty thousand dollars in value shall be subject to prior approval by ordinance.
  3. The Board of County Commissioners may authorize other easements on county property as provided in this Section after making a finding that the request is in the public interest and complies with deed restrictions and grant obligations.
  4. Standard procedures for considering easement requests:
    - a. Parties requesting a new easement, amended easement or easement transfer shall pay an easement application fee as reimbursement for administrative costs and expenses incurred in the processing of the easement request.

- b. The County Administrative Officer is authorized to require applicants to reimburse the county to the extent that the reimbursement fully covers the cost of processing the easement request.
  - c. The easement application fee is payable at the time the easement is requested.
  - d. The easement application fee and other fees are not refundable, even if the application is disapproved or not executed by the applicant.
  - e. To the extent the costs of processing the easement application exceed the revenue received through the application fee, the grantee shall pay actual cost balances in full prior to final action on the easement by the county.
5. Partnership opportunities: Partnership opportunities may be excepted from the standard procedures for considering easement requests where:
    - a. The county benefits from property enhancements and improvements to be made in the easement area by the easement applicant. For example, a utility maintenance road could be designed and constructed to serve as a public pedestrian/bicycle trail segment within the county property.
    - b. The value of the enhancements and improvements is equal to or more than the cost of processing the easement request.
  6. Custodial department directors, as identified in Section III, are responsible for review of easement applications and making recommendations to the County Administrative Officer regarding approval or denial of the applications.
  7. Custodial department directors, as identified in Section III, are responsible for recording and enforcing the provisions of granted easements.
  8. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to review easement applications and enforce provisions of approved easements.
  9. If the property on which the easement is solicited was originally purchased with revenue from a dedicated fund, such as the Road Fund, Clean Water Fund or Legacy Lands Fund, revenue from easements on said property should be directed to the dedicated fund used to acquire the property.
  10. If the general fund or other non-dedicated fund was used to acquire the property, revenues from execution of an easement should be directed to the custodial department, as indicated in Section III A, unless otherwise directed by the Board of County Commissioners.
- B. County as Grantee:
1. County may pursue easement or other less than fee interest in property for a variety of reasons including:
    - a. Road and utility access to county properties.
    - b. Conservation and recreational easement interest in real property may be more economical than fee purchase.
    - c. Compliance with development permits for mitigation of wetland and habitat impacts, water quality and quantity management, geologic and floodplain hazards, etc.

- d. Trail corridor for regional trail connectivity
  - e. Access for park property to ensure safe route for citizen access to a property
  - 2. The custodial department, as indicated in Section III, is responsible for negotiating easements that support the county purposes of those properties and budgeting for expenditures associated with acquisition of the easement.
  - 3. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private non-profit or public entities to negotiate easements and other less than fee interests in property.
- C. Relinquishment of easements held by county:
- 1. County may consider relinquishing easements for a number of reasons, including:
    - a. There is no longer a county purpose for property that the easements support; or
    - b. County easement interests in property acquired through the development permitting process may be relinquished or transferred to another private or public party if:
      - i) The original permit is superseded and the easement is not needed to mitigate for the impacts of the revised permit.
      - ii) Responsibility for enforcement of the easement provisions is transferred to another party that agrees to fully implement the permit provisions.
    - c. The custodial department, as indicated in Section III, is responsible for reviewing requests to relinquish easements that support the county purposes of those properties and shall budget for such expenditures, and any revenues that may result from relinquishment.
  - 2. Standard procedure for relinquishing easement interests in property:
    - a. The County Administrative Officer is authorized to relinquish any easements granted to the county which are determined to be surplus to the county's foreseeable needs. The county administrative officer is also authorized to trade an easement for real property or easements of a similar nature and value.
    - b. Whenever the county is approached regarding the relinquishment of an easement, custodial department directors, as indicated in Section III, shall review planned and potential uses for the easement and recommend to the County Administrative Officer whether or not to relinquish the easement.
    - c. Relinquishment of easements where the county spent more than \$50,000 in their acquisition shall be subject to prior approval by ordinance.

# A - Operations Framework

## I. Purpose of this Section

- A. Articulate current departmental responsibilities for operating county properties and facilities on them.
- B. Identify revenue streams that support operations and maintenance of county property.
- C. Identify property management policies for county-owned land

## II. Departmental Responsibilities

- A. Operating Responsibilities include (unless mutually agreed to otherwise):
  - 1. Regularly inspecting property and facilities to ensure properties are maintained to applicable standards and facilities are in good working order.
  - 2. Ensuring site improvements are consistent with deed and funding restrictions and anticipated public purpose for the property.
  - 3. Principal point of contact for citizen inquiries and complaints.
  - 4. Day-to-day management of properties including:
    - a. Open and closing gates to facilities where the public is allowed access.
    - b. Managing fee collection, reservations, special use permitting as applicable
    - c. Routine maintenance including grass mowing, leaf and litter pick-up, minor equipment repair and maintenance
    - d. Rules enforcement to ensure public safety and civility for all persons on county property.
- B. The Environmental Services Department operates:
  - 1. Environmental Services capital project mitigation sites.
  - 2. Public Works capital projects mitigation sites.
  - 3. Open spaces dedicated to the county adjacent to properties for which Environmental Services is the custodial department.
  - 4. Conservation covenant and easement interests in private property acquired through critical areas permitting processes.
  - 5. Jointly operates with Vancouver-Clark Parks the Legacy Lands system pursuant to the provisions of the parks interlocal agreement between Clark County and the City of Vancouver.
  - 6. Jointly operates Leichner landfill with Public Works and jointly operates English Pit with Public Works and Vancouver-Clark Parks.
- C. The General Services Department operates:
  - 1. The Main County Office Campus and Community Health Campus.
  - 2. 911 Towers, county jail, jail work center and Sheriff's satellite precincts.

3. The Clark County Fairgrounds and Amphitheater.
  4. Tri-Mountain Golf Course.
  5. The Clark County 78<sup>th</sup> Street Heritage Farm.
  6. The Val Ogden Center.
- D. The Public Works Department operates:
1. County roads and rights-of-way.
  2. County Public Works operations center, satellite operations yards, and aggregate extraction sites.
  3. The Salmon Creek Wastewater Treatment Plant, land and facilities associated with water pollution abatement functions such as pump station sites and sewer line rights of way.
  4. Storm water facilities.
  5. Tax title properties.
  6. Camp Bonneville.
  7. Jointly operates Leichner landfill with Environmental Services and jointly operates English Pit with Environmental Services and Vancouver-Clark Parks.
- E. Vancouver Clark Parks and Recreation operates:
1. Developed and undeveloped parks and trail properties within the Greater Clark Park District and the regional parks pursuant to the provisions of the parks interlocal agreement between Clark County and the City of Vancouver.
  2. Regional trail corridors (developed and undeveloped) pursuant to the provisions of the parks interlocal agreement between Clark County and the City of Vancouver.
  3. Open spaces dedicated to the county adjacent to properties for which Parks is the operating department including conservation covenant and easement interests in private property acquired through critical areas permitting processes.
  4. Jointly operates with Public Works and Environmental Services the comprehensive parks, open space and recreation system pursuant to the provisions of the parks interlocal agreement between Clark County and the City of Vancouver.
- F. County departments may enter into interdepartmental service agreements, intergovernmental agreements with other public agencies and contracts and agreements with private entities to maintain and operate county owned properties.

### III. Funding for Property Management

- A. A system of direct appropriations, interdepartmental transfers, and reimbursable work order numbers tied to contracted services agreements is used to implement programming and operational land/property management responsibilities.
- B. The following summary of the 2011-12 budget illustrates this system.

Property Category <sup>1</sup>	Acreage Estimate <sup>2</sup>	Activity <sup>3</sup>	Program- ming Dep't	Operations Department	2011-2012 Budget	DES	PW	Sources
DES-LL	675	Capital	DES	DES	\$5,349	\$5,049	\$300	Conservation

								Futures capital budget
DES-LL	2,899	M&O	DES	DES-PW	\$505	\$374	\$131	Conservation futures transfer; 144 properties
DES-LL	NA	Plan/Policy	DES	DES	\$500	\$440	\$60	Reimbursable to Conservation futures
DES-CW	NA	Capital	DES	PW-DES	\$8,482	\$1,400	\$7,082	Clean Water Fee
DES-CW	354	M&O	DES	PW-DES	\$2,716	\$416	\$2,300	Clean Water Fee; 452 properties
PW-Parks	3,672	M&O	PW	PW-DES		\$308		Metropolitan Parks District and General Fund – 256 properties
				<b>Totals</b>	<b>\$17,552</b>			

Figures in thousands

Notes

1. Department of Environmental Services- Legacy Lands (LL), Clean Water (CW), Public Works – Parks (PW-Parks)
2. Acreage estimates are as of 9/6/11 and subject to change.
3. Activities include capital construction or acquisition (Capital), maintenance and operations (M&O), Planning and Policy

## IV. Property Management Standards

- A. County custodial departments are responsible for assuring that best management practices pursuant to the following guidance documents are implemented on the respective properties for which they are custodian:
  1. Stormwater Pollution Control Manual: Best Management Practices for Businesses and Government Agencies. Clark County Environmental Services, November 2000.
  2. Water Quality Best Management Practices for Operation and Maintenance of Publicly-Owned Property. Clark County Public Works in cooperation with the City of Vancouver, July 2000.
  3. Vegetation Management update to Water Quality Best Management Practices for Operation and Maintenance of Publicly-Owned Property. Clark County Vegetation Management, February 2008.
  4. Stormwater Facility Maintenance Manual. Clark County Public Works, July 2000.
  5. Clark County Environmentally Responsible Purchasing Policy. 2005.
  6. State of Washington Recreation and Conservation Funding Board Manual 2 – Planning Policies, as amended.
  7. State of Washington Recreation and Conservation Funding Board Manual 3 – Acquisition Projects, as amended.
  8. State of Washington Recreation and Conservation Funding Board Manual 4 – Development Projects-Policies, as amended.

9. State of Washington Recreation and Conservation Funding Board Manual 5 – Restoration Projects, as amended
  10. State of Washington Recreation and Conservation Funding Board Manual 10a – Outdoor Recreation Account, as amended
  11. State of Washington Recreation and Conservation Funding Board Manual 10b – Washington Wildlife and Recreation Program, as amended
  12. State of Washington Recreation and Conservation Funding Board Manual 15 – Land and Water Conservation Fund, as amended.
  13. State of Washington Recreation and Conservation Funding Board Manual 18 – Salmon Recovery Grants
- B. County departments may enter into interdepartmental service agreements, intergovernmental agreements and contracts with private entities to implement the best management practices.

## B -Example Acquisition Checklist/Activity Log

<b>Activity</b>	<b>Date Completed</b>	<b>Initials</b>
Title Report Ordered		
Title Report Received		
Land Survey/Legal Description Ordered		
Land Survey/Legal Description Received		
Appraiser Selection Method Documented		
Appraiser Qualifications Documented		
Land Appraisal Ordered		
Land Appraisal Received		
Timber Appraisal Ordered (as needed)		
Timber Appraisal Received		
Review Appraiser Selection Method Documented		
Review Appraiser Qualifications Documented		
Review Appraisal Ordered		
Review Appraisal Received		
Environmental Site Assessment Ordered		
Environmental Site Assessment Received		
Site/Structural Inspection Ordered		
Site/Structural Inspection Received		
Cultural Resoruces Survey Ordered		
Cultural Resources Survey Received		
Offer to Purchase Mailed		
Purchase & Sale Agreement Completed		
Non-FMV Purchase Reasons Documented		
Escrow Opened		
Closing Statement Received		
Deed to Seller for Signature		

\$9,000,000

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Deed and Staff Report to BOCC		
Deed Accepted by BOCC (Consent Agenda)		
Deed Recorded		