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STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

September 2008

Item #11: **Conversion Request: City of Olympia**
Grass Lake Nature Park (RCO Grant # 91-194)

Prepared By: Jim Anest, RCO Compliance Officer

Presented By: Kammie Bunes, Senior Outdoor Grant Manager

**Approved by the
Director:**

Proposed Action: Decision

Summary

The City of Olympia is asking for Recreation and Conservation Funding Board (Board) approval to convert two parcels totaling 2.59 acres within the Grass Lake Nature Park. The city proposes to replace this property with 7.97 acres of generally equal or better habitat to remedy the conversion.

Staff Recommendation

RCO staff recommends the approval of this conversion request. Resolution #2008-047 is provided for Board consideration.

Background

In 1995, the City of Olympia (City) acquired a 163-acre parcel with a Washington Wildlife and Recreation Program (WWRP) Urban Wildlife Habitat Category grant. The entire site is designated as open space and is undeveloped with the exception of primitive walking trails. Today, the park is located within a rapidly developing residential



area of west Olympia. The City is seeking approval to create a 2.47-acre neighborhood park and grant a 0.12-acre easement for a sewer line.

First proposed conversion: Kaiser Road Neighborhood Park

The city is seeking approval to convert a 2.47-acre section of Grass Lake Nature Park to create a neighborhood park that will serve the Kaiser Road neighborhood. The property proposed for conversion, located in the park's southwest corner, is undeveloped and relatively flat, with shrub and forest cover within an entirely upland portion of the park. It abuts Kaiser Road.

Second proposed conversion: Easement for a sewer line

The city is seeking approval to convert a 0.12-acre section of Grass Lake Nature Park, located in the park's northeast corner. This conversion will permit the City to grant a sewer line easement to a property owner who plans to develop townhouses near the site. The property subject to the conversion is undeveloped and relatively flat, with shrub and forest cover within an entirely upland portion of the park.

Analysis

When reviewing conversion requests, the RCO considers many factors, in addition to the scope of the original proposal and the proposed substitution:

- A. Alternatives to the conversion
- B. Acres and market value
- C. Justification that supports the replacement site as reasonably equivalent recreation utility and location
- D. Opportunities for public participation in the process

All practical alternatives to the conversion have been evaluated and rejected

Analysis of first proposed conversion:

Both the City's Comprehensive Plan and its 2002 Parks, Arts, and Recreation Plan identified a need to provide a neighborhood park to serve the residents of the Kaiser Road area. In 2006, Olympia voters passed a park bond that included funding for a park to serve this neighborhood. City staff researched possible locations and found only one suitable property. The city offered to purchase the property, but that the owner rejected the offer. The city then tried to condemn the property, but abandoned that approach because of opposition to acquiring parks through condemnation.

Finally, the City looked at properties it already owned within the area, and determined the southwest corner of Grass Lake Nature Park could accommodate the local park without adverse impact to wildlife habitat. Extensive new residential development in the area provided no other suitable options for locating this park.

Analysis of second proposed conversion:

The property owner who seeks to build the townhouses has been unsuccessful in using alternative approaches to bring a sewer line to his property. He offered to pay two neighbors the market value for an easement, but both neighbors rejected the offer. The landowner also has frontage on 14th Avenue, but that sewer line is a force main (under pressure) and cannot be used in the manner that the landowner hoped.

Fair market value has been established

The property proposed for replacement is 7.97 acres, and adjoins the existing nature park property on its northwest boundary. It consists primarily of wetlands and wetland buffers, including a substantial area of an open water wetland commonly known as Lake Louise.

The land proposed for substitution is of equal current value. The market value of both the take and replacement properties were established through procedures outlined in RCO Manual #3, *Acquiring Land: Policies*. The following table shows the findings. In this exchange, there is a net gain of 5.38 acres and \$800 in fair market value.

	Converted Property	Replacement Property	Difference
Acres	Neighborhood Park: 2.47 acres		
	Sewer Easement: 0.12 acres		
	Total Proposed for Conversion: 2.59 acres	7.97 acres	+ 5.38 acres
Value	Neighborhood Park: Cost per acre: \$130,000 Value of property: \$321,100		
	Sewer Easement: Cost per acre: One-half at \$130,000 One-half at \$5,000 Value of property: \$8,100		
	Total converted value: \$329,200	Cost per acre: \$41,405 Total replacement value: \$330,000	+ \$800

The land proposed for replacement is reasonably equivalent in terms of location, habitat and recreation utility to the property being converted.

The replacement property is immediately adjacent to the Grass Lake Nature Park.

The Coot Company Wetland and Wildlife Consulting Services prepared a 1996 Wetland Inventory and Habitat Assessment for Grass Lake Nature Park and a 1997 Wildlife Habitat Assessment of the replacement property. Both reports state that the area of the park proposed for conversion to a neighborhood park has low habitat value. According to the same inventories, the 0.12-acre property recommended for conversion for the sewer easement has an almost equal mix of high and low habitat value. About six mature trees of various species will have to be cut to install the sewer line.

The replacement property is more than three times larger than the converted property, and consists primarily of wetlands, wetland buffer, or open waters of Lake Louise. The 1997 Wildlife Habitat Assessment of the replacement property found that it has high habitat value. Thus, on a per-acres basis, it has habitat value that is superior to the converted property.

If approved, the properties proposed for conversion will remain public parkland.

The land proposed as replacement property meets the eligibility requirements, and is not currently publicly owned

The City purchased the proposed replacement property on November 20, 2007, after the RCO issued a Conditional Waiver of Retroactivity (#07-29) on November 15, 2007. The proposed replacement is consistent with eligibility requirements for acquisition projects as outlined in RCO Manual #3, *Acquiring Land: Policies*.

The public has been given a reasonable opportunity to participate in the deliberation and decisions regarding this conversion

The City published legal notice # 6194 "Grass Lake Refuge Conversion Request" in The Olympian on July 23, 2008. Also on July 23, 2008, the City mailed 210 postcards with the same information to landowners within 300 feet of all property boundaries of Grass Lake Nature Park. The responses they received are included in Attachment B.

In addition, the RCO received one unfavorable comment from an adjacent landowner, which is included as Attachment C.

Next Steps

If the Board approves the conversion, RCO staff will execute the necessary amendments to amend the Project Agreement as directed.

Attachments

Resolution # 2008-047

- A. Map of properties proposed for conversion and replacement
- B. Public comment received by City of Olympia
- C. Public comment received by RCO

RESOLUTION #2008-047
Grass Lake Nature Park (#91-194) Conversion

WHEREAS, the City of Olympia (City) used a Washington Wildlife and Recreation Fund grant to purchase a 163-acre parcel known as Grass Lake Nature Park and designated the areas as open space with primitive walking trails; and

WHEREAS, the City requests Recreation and Conservation Funding Board (Board) approval to convert two areas of the park, totaling 2.59 acres, for a neighborhood park and to provide an easement for sanitary sewer; and

WHEREAS, Grass Lake Nature Park is located in a rapidly developing residential area of west Olympia and both the City's Comprehensive Plan and its 2002 Parks, Arts, and Recreation Plan identified a need to provide a neighborhood park to serve the residents of the area; and

WHEREAS, the City has sought and rejected reasonable alternatives, has identified and purchased replacement property, received a waiver of retroactivity from RCO for that purchase, and received public comment on the conversion; and

WHEREAS, the City sought and received public comment on the conversion thereby supporting the Board's strategy to regularly seek and use public feedback in policy and funding decisions; and

WHEREAS, the site will continue to provide habitat for wildlife and passive recreation opportunities as described in the original agreement, and the conversion also will provide a neighborhood park, thereby supporting the Board's goals to provide funding for projects that protect unique urban wildlife habitats and enhance recreation opportunities;

NOW, THEREFORE BE IT RESOLVED, Recreation and Conservation Funding Board approves the conversion request and the proposed replacement site for Grass Lake Nature Park, and

BE IT FURTHER RESOLVED, the Board authorizes the Director to execute the necessary amendments.

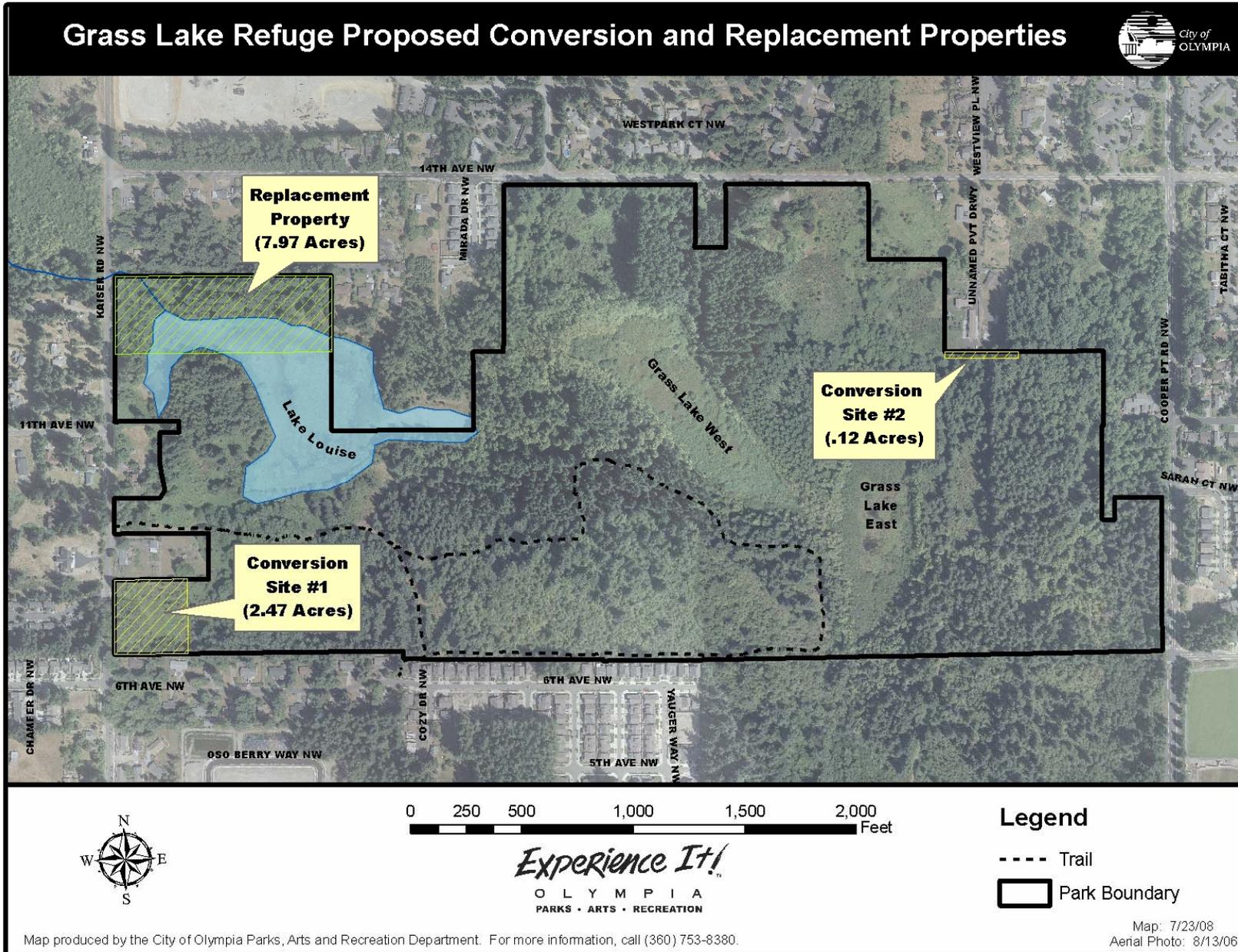
Resolution moved by: _____

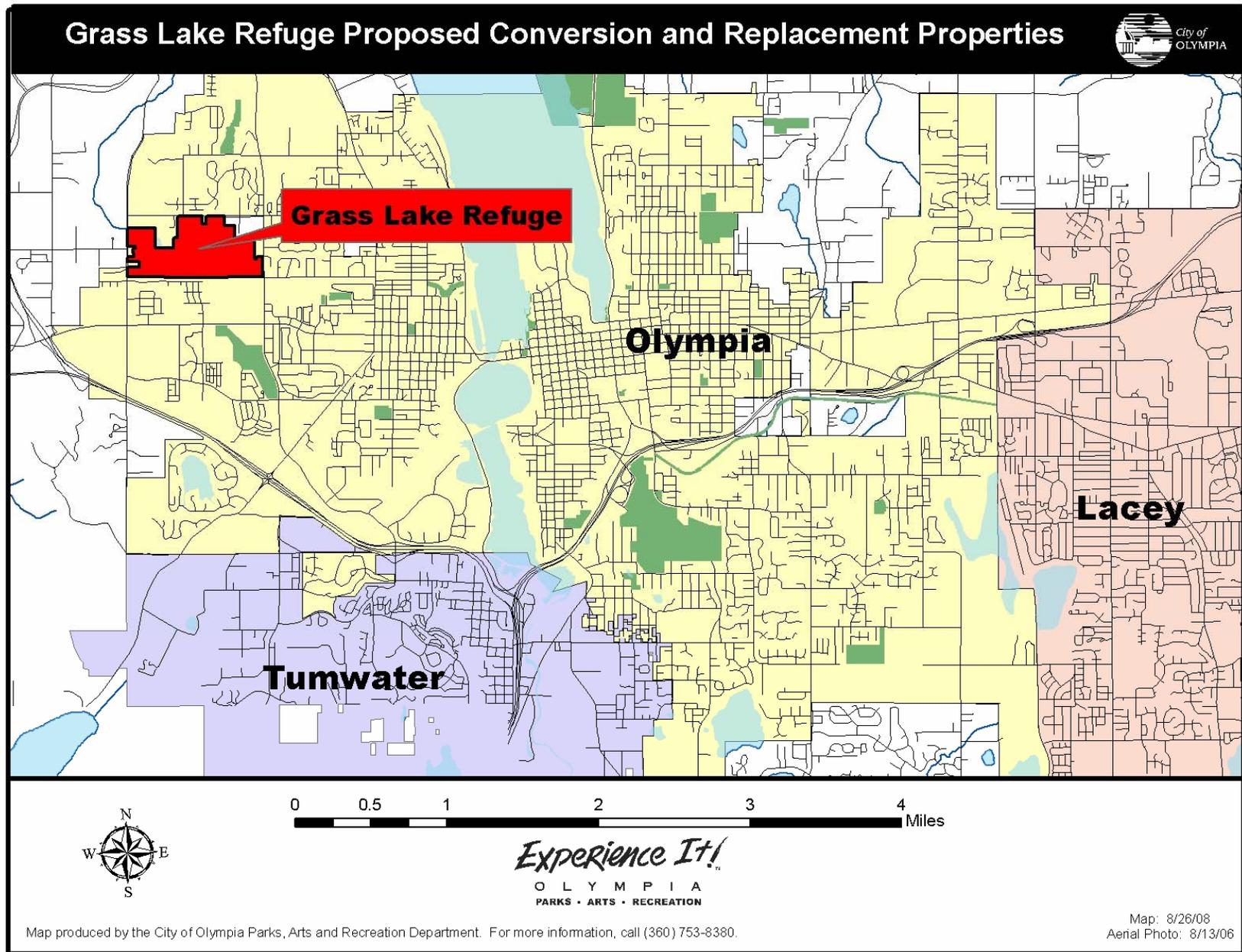
Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Attachment A: Maps





Attachment B: Public Comment Received by City of Olympia

Name	Comment
Jean Powell	<p>I am in favor of the conversion of property for the stated use.</p> <p>I would add that, having worked in the legislature for some 7 years, I still had to read the public notice twice. Perhaps further communication could be phrased more for the general public, as that is, after all, the aim?</p>
Suzanne Paulsrude	<p>(Summary of Phone Call)</p> <p>She said she is not in favor of the proposed land swap in the Grass Lake Park vicinity. In part, she said the proposed easement is to provide sewer to a development nearby. This would wick non-point pollution into the wetland. She said the developer does not even intend to develop the land. He just wants to get the highest density he can and then sell it to some other developer.</p>
Jim Walton	<p>(Summary of Phone Call)</p> <p>He said he was voting against a neighborhood park on the site. He said that it was not 1950; he is against all the dopers and "bad stuff" that the park would attract.</p>
Nancy Rosenthal	<p>Thank you for the opportunity to state our objections to the proposed sewer installation as part of a conversion request in Grass Lake Wildlife Refuge, Olympia, Thurston County, Washington.</p> <p>We originally became aware of the requested land conversion in Grass Lake Refuge when we received a notice of application from Thurston County Development Services in the mail regarding a preliminary plat for 32 townhouses proposed in our immediate neighborhood. (Details: Project Name & Location: Preliminary Plat located at 2909 14th Ave NW, Olympia, Wa land Use Case #: 2007105171 (07 116674 ZJ) Sepa Case #: 2007105171)</p> <p>We would like to state our objections regarding the part of the land conversion request inside Grass Lake Refuge proposed for a new sewer installation. The proposed 32-townhouses plat does not currently have access to the sewer line. A new sewer line is proposed by the property owner of 2909 14th Ave NW, Olympia, Wa to be installed inside Grass Lake Wildlife Refuge to serve his proposed townhome project ONLY. This sewer installation would damage critical habitat land and passive public recreation to support a for profit development venture. In addition, the proposed 7.97 acre teplacement parcel was purchased with public funds allocated for parks. We are objecting to the use of this park funding to convert a part of Grass Lake refuge to a sewer installation. The public funding resources should be used for parks only.</p> <p>Grass Lake Refuge is an environmentally protected wetland, purchased by the City of Olympia and WWRP grant funded in 1990, and contains the</p>

Name	Comment
	<p>headwaters of Green Cove Creek. In 2000, City of Olympia and Thurston County elected officials designated Green Cove as a priority watershed warranting extraordinary environmental protection. Coho, chum, steelhead, and cutthroat are found in Green Cove Creek. Grass Lake Refuge is home to over 200 species of plants and 98 species of birds.</p> <p>Land clearing, logging, and bulldozing inside Grass Lake Refuge to install a new sewer line would have adverse environmental impacts on this protected environmentally sensitive wetlands and wildlife refuge and does NOT serve the public interest. Proposed high density housing in close proximity to the refuge further stresses the fragile natural balance.</p>
Lois M. Gloyd	<p>I have been an owner of Lot 2 Heritage West on 6th Ave. NW., Olympia, WA since before the duplex was built. (I purchased this with my first husband, Loren Gregory, and my 2nd husband and I purchased it from him after our mutual divorces.) After Grass Lake Refuge was designated, we were told that it would never be developed, and we believed the City/County, etc. My 2nd husband, Stew Gloyd wrote to you on 7-24-08 and also had phoned you regarding this proposed park. You sent an e-mail to him on 7-24-08 with an attached map.</p> <p>As he pointed out we were concerned that you are having an interim park with parking, picnic tables, swing, half basketball court, but no water or restrooms. The lack of those last 2 items are a cause for concern, since people tend to use whatever is available, that being the woods, or bothering neighborhood people. That is not a good prospect adjacent to residences, and especially since you do not intend to have a fence between the park and Heritage West's duplexes. Without a fence, the tenants at Heritage West would have no privacy and would be subject to all sorts of activity, especially since there will be no water or restrooms at the park.</p> <p>Another thing I can't believe you have not addressed is that there have been several sightings of cougar in that area. They are being forced out of their habitat, and to have you plan a park which would invite children and families into where they are presently showing themselves, seems to be very risky, and would subject the people in the park to danger, and might subject your agency to lawsuits if someone were injured by the cougars. I think that is a strong reason for not making a park there.</p> <p>Another item I notice in your Notice, is that you are converting .12 acres into an easement to provide a proposed residential development access to a public sewer LOCATED WITHIN THE PARK. That location seems very odd to me. Also, where is this "proposed residential development"? Like I said, Grass Lake Refuge was to be an undeveloped area, a refuge for wildlife, and we prefer it to stay that way. I do not know the character of the "replacement property", but you state it has "equal market value" (which indicates you might sell it, and has "higher habitat value than the properties to be converted." Is this habitat for humans, or for wildlife and flora, and/or</p>

Name	Comment
	<p>trees? What is in the mind of the City of Olympia?</p> <p>You don't mention a hearing, and call only for contacts at the above e-mail address or for phone call at (360) 570-5855. But please know we are concerned about your proposed plans. There are 16 duplexes in Heritage West Development, so that is 32 families that would be impacted. I hope to hear from you regarding these concerns.</p>
<p>Patricia Dunsmore</p>	<p>(Summary of Phone Call) She was concerned whether any chemical fertilizers would be used at the future neighborhood park, and the fact that a community water well is nearby. She expressed concern about parking for the park and the need for a signal light at the intersection of Kaiser Road and Mud Bay Road. She was also concerned about the potential for increased noise in the area and the issue of the homeless. She wanted to know the type of recreation facilities that were typically found in a neighborhood park in Olympia. She brought up the issue of the murder of the homeless person that occurred in the vicinity of Grass Lake Refuge several months ago.</p>
<p>Charles Gloyd</p>	<p>Thanks for sending the map and additional information. I would like to make the following comment in response to the notice that you sent.</p> <p>As part of the park development the city should provide solid fencing along the property line facing toward 6th Ave. Without fencing, residents of the adjacent properties will have no back yard privacy or security. There is no existing fence, at least at the back of the 3626 6th Ave property, but there is privacy and security now due to the dense vegetation in the refuge property.</p>
<p>Delores (last name unknown)</p>	<p>(Summary of Phone Call) She wanted to know how the future neighborhood park would be accessed by vehicle.</p>
<p>Arlen & Pat Veleke</p>	<p>Thank you for your public notice mailing regarding the proposed Grass Lake Conversion Project. My wife and I are the property owners at 810 Kaiser Rd. NW and by your notice it appears that we will share a common property line with the City's proposed Neighborhood Park on the corner of 6th Avenue and Kaiser Rd. NW.</p> <p>Although we understand your proposal, we request an on-site meeting/visitation so we may better understand your vision for the park. Our days off from work are [REDACTED] and would appreciate the opportunity to visit with you on any of those two days. Please let us know at your soonest opportunity what calendar date and time works best for you. Thank you.</p>
<p>Robert Boyd</p>	<p>I saw the legal notice for the conversion request. Is there a proposed map for the new park? Are you able to e-mail it to me. I live in the neighborhood and we are interested in the exact location of the proposed new park.</p>

Name	Comment
James Stewart	<p>I have a question about the Grass Lake Conversion Request. Is the .12 acre easement conversion planned for planned sewer hook up for the proposed "Walnut Court" development at 2909 14th ave. nw? Im trying to determine if this easement abuts our jointly owned parcel behind our townhouses.</p> <p>(City Response) Yes. Approval of the conversion request would allow the City Council to consider a sewer easement request from the developer of Walnut Court in the future.</p> <p>Thanks. Can you tell me if the easement runs along the south line of his property? Or, does it start and slightly overlap his SW corner? (Our parcel overlaps his SE corner by +/- 150', and we want to know if the easement will abut our property)</p>

Attachment C: Public Comment Received by the RCO

From: Nancy Rosenthal [mailto:harald_nancy@msn.com]
Sent: Tuesday, May 27, 2008 5:03 PM
To: Anest, Jim (RCO)
Subject: Attn: Jim Anest re: Grass Lake (5/27/2008)

Dear Mr. Anest,
We received your note of 5/27/08 that our emails are now going through to you.
Please submit our following amended letter about Grass Lake to the RCFB board and RCO director.
It's been changed a little from the previous version of a few days ago.
Thanks again for your time and assistance.
Sincerely,
Nancy Rosenthal
Harald Rust

May 27, 2008

Dear Mr. Anest,

Thank you very much for your prompt response and explanation regarding conversions.

Please send us a return email to verify that you have received this. We would appreciate it if you will forward our concerns and objections regarding the proposed new sewer installation in Grass Lake Refuge to the RCFB Board and RCO Director as you indicated in your email. Here is our statement to be forwarded to the RCFB board and RCO director.

Thank you for the opportunity to state our objections to the proposed sewer installation as part of a conversion request in Grass Lake Wildlife Refuge, Olympia, Thurston County, Washington.

We recently became aware of the requested land conversion in Grass Lake Refuge when we received a notice of application from Thurston County Development Services in the mail regarding a preliminary plat for 32 townhouses proposed in our immediate neighborhood. (Details: Project Name & Location: Preliminary Plat located at 2909 14th Ave NW, Olympia, Wa Land Use Case #: 2007105171 (07 116674 ZJ) Sepa Case #: 2007105171)

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Grass Lake Refuge is an environmentally protected wetland, purchased by the City of Olympia and WWRP grant funded in 1990, and contains the headwaters of Green Cove Creek. In 2000, City of Olympia and Thurston County elected officials designated Green Cove as a priority watershed warranting extraordinary environmental protection. Coho, chum, steelhead, and cutthroat are found in Green Cove Creek. Grass Lake Refuge is home to over 200 species of plants and 98 species of birds. Land clearing, logging, and bulldozing inside Grass Lake Refuge to install a new sewer line would have adverse environmental impacts on this protected environmentally sensitive wetlands and wildlife refuge and does NOT serve the public interest.

Item #11, City of Olympia Grass Lake Conversion Request
September 2008
Attachment C, Page 2

Thank you for your time and consideration in this matter.

Sincerely,
Nancy Rosenthal
Harald Rust
homeowners at 2911 14th Ave NW
Olympia, Washington 98502