



WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

Proposed Trespass Resolution and Property Conversion at Lacamas Prairie Natural Area

Background Information & Request for Public Comment

Issue Date: November 24, 2020

Public Comment Period: November 25 through December 28, 2020

The Washington State Department of Natural Resources is seeking public comment on a transaction that converts 0.034 acres of land from public to private ownership as part of a remedy to an encroachment on conservation lands by a private party or parties, including a roadside utility trench. In addition, on the same small portion of state owned lands, the City of Camas is mandating intersection improvements by the private property owner(s). This real estate proposal would remedy the trespass and facilitate the local government requirements by disposing of a corner, roadside portion of the larger state-owned 1.13 acre parcel (Clark County ID #986028971) and replacing the state lands with a privately owned parcel that has high resource values within Lacamas Prairie Natural Area. The Washington State Department of Natural Resources manages the natural area for conservation of rare and high quality features in perpetuity. Please see instructions at the end of this document for submitting public comment.

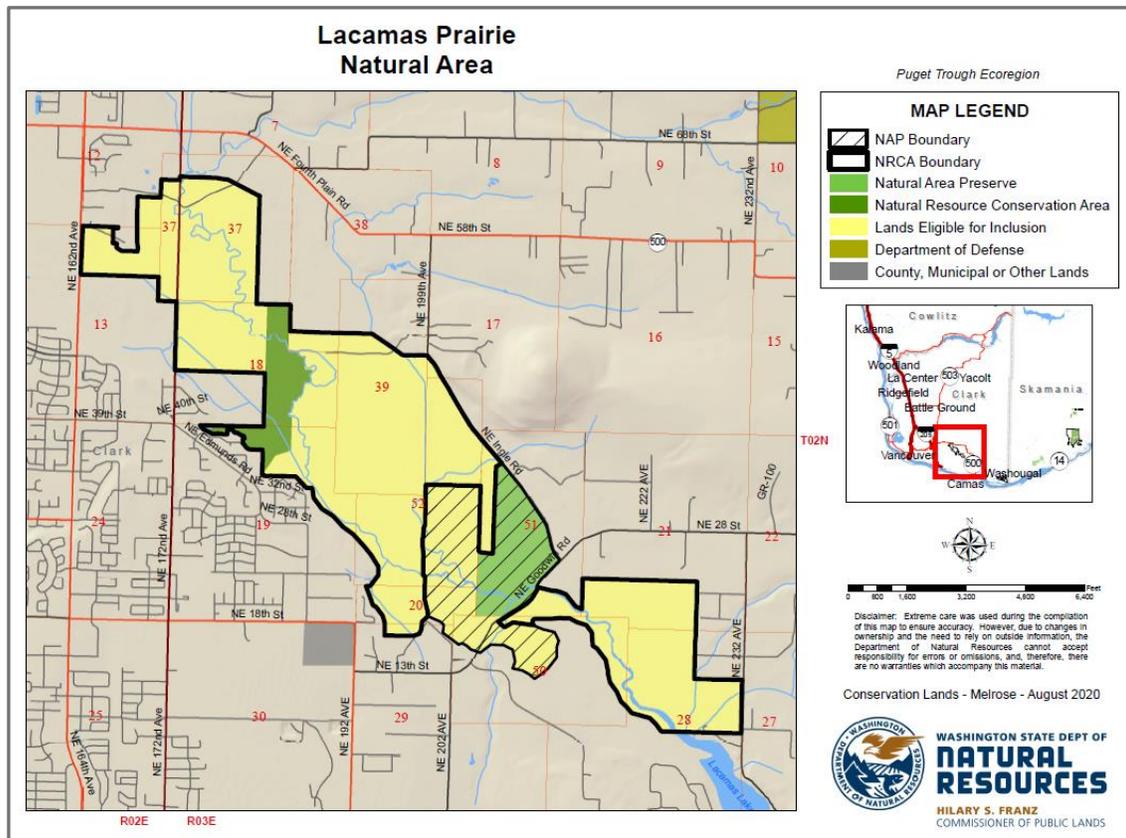
Background

The Washington State Recreation and Conservation Office (RCO) awarded a grant to the department for land acquisition at Lacamas Prairie Natural Area via the Habitat Conservation Account of the Washington Wildlife and Recreation Program in Project Agreement # 08-1180A. The department purchased the subject parcel and recorded a deed of right dedicating it to conservation land management, which per the agreement:

...shall be consistent with the purposes in the Project Agreement, including protecting, preserving, restoring and/or enhancing the habitat functions on the Real Property, which includes or supports wetland prairie and oak plant community habitat. This habitat supports or may support priority species including but not limited to Bradshaw's lomatium, five other rare plants, and the Slender billed nuthatch.

The parcel in question is at the corner of NE Ingle Road and NE Goodwin Road in Clark County within the city limits of the City of Camas. At the time of acquisition, the conservation parcel included a constructed stormwater pond serving developments in the area, along with perpetual easements related to it. The department acquired the parcel to provide access for land management activities at Lacamas Prairie Natural Area and as ecological support for the adjacent high quality Willamette wet prairie and oak woodlands features.

Lacamas Prairie Natural Area Map
State-owned Natural Area Preserve in light green
State-owned Natural Resources Conservation Area in dark green



Description of the conversion

The department learned recently of a trespass of one or more utility lines on state-owned land at the intersection of NE Ingle Road and NE Goodwin Road. The buried utility line(s) closely follows the road, slightly encroaching on the grant-funded property at the intersection corner. In addition to the trespass, which occurred after state acquisition of the parcel, that same portion of state-owned land has recently been deemed by the City of Camas, under a hearing examiner order, to be included in a project to widen and signalize of the intersection. The footprint of the converted portion of the state-owned parcel is 0.034 acres of the larger state-owned 1.13 acre corner parcel. This 0.034 acre portion of land will be disposed to a private party via sale or exchange. The private party will deed to the department a 0.61 acre parcel that is within the boundary of the state’s Lacamas Prairie Natural Area.

Proposed State-owned land to dispose:

Clark County property identification number 986028971
Full parcel acreage (shown) is 1.13 acres; the portion to convert is 0.034 acres
at the corner of NE Ingle Road and NE Goodwin Road:



Proposed Replacement Property: Private lands deeded to the state to resolve conversion (trespass):

Clark County property identification number 172340000
Owner of Record: LENNAR NW, Inc.
(Represented in this transaction by GME Development, LLC of Vancouver, WA)



Conversion of Deed-Protected Conservation Lands

The Washington State Department of Natural Resources learned from project engineers in April 2019 that several utility lines (electric, phone, gas or other; ownership uncertain) were laid in recent years across department-owned land at the intersection corner that was acquired with state grant funding from the Washington Wildlife and Recreation Program and thus are deed-restricted to conservation use as part of Lacamas Prairie Natural Area. To resolve this trespass, as well as the pending City of Camas mandate for intersection improvements affecting the same corner parcel, the department is completing a Washington State Recreation and Conservation Office “conversion” process to replace impacted lands.

Options to Cure the Land Conversion

The Department of Natural Resources identified a number of alternatives for replacing the impacted lands. The department will segregate the impacted portion of the state parcel from the larger corner parcel, which will remain is state ownership.

Preferred Alternative: Convey (through sale or exchange) the 0.034 acre area in trespass from the total 1.13 acre state-owned parcel (Clark County property identification number 986028971) to property developer(s) represented by GME Development, LLC of Vancouver, WA, and receive (via acquisition or exchange) private lands owned by LENNAR NW, Inc. (Clark County property identification number 172340000), and then record a conservation deed on the acquired parcel.

The department has determined this to be the best way to meet property conversion requirements due to:

- the proximity of the converted portion of the state-owned parcel to the replacement parcel within Lacamas Prairie Natural Area;
- the higher ecological quality and habitat diversity of the replacement parcel, in addition to having equivalent valuation and utility;
- the proposed replacement will provide at least equivalent value as required by RCO;
- the larger acreage of the parcel being delivered to the state; and
- the relative quick resolution to this conversion since the replacement landowner(s) are currently engaged with the City of Camas on the intersection improvements at NE Ingle Road and NE Goodwin Road.

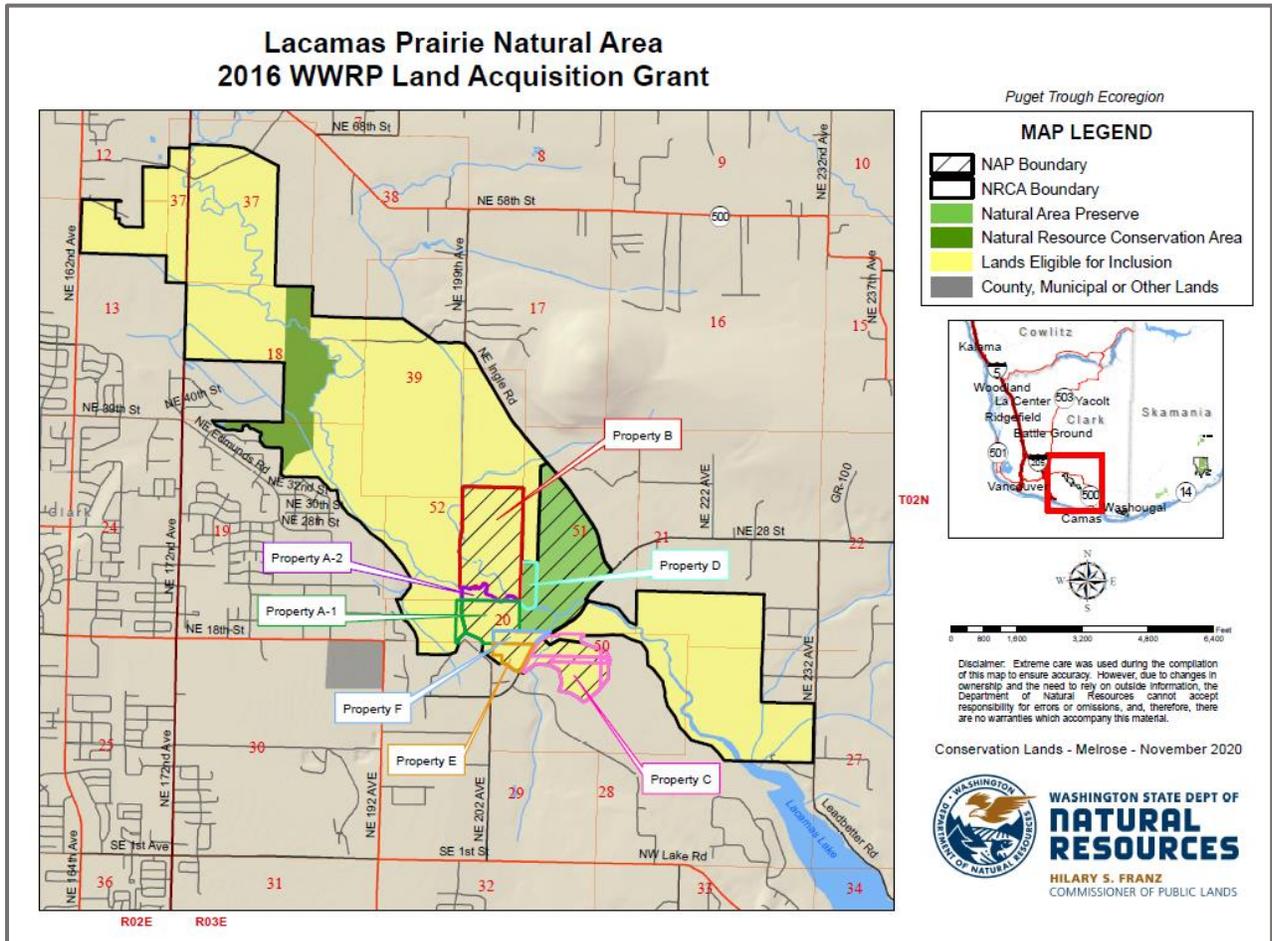
Other Alternatives

Alternative 1 – Do nothing. While technically this may be an option for the state regarding the land component of this trespass, it would not cure the trespass. Legal action would need to be taken against multiple parties, some of which need to be identified, to remove the buried utility line(s). Also, this option does not address the City of Camas hearing examiner order to widen and signalize the intersection at the northwestern corner of NE Ingle Road and NE Goodwin Road. This alternative would be costly for all parties and would not result in the locally determined transportation improvements.

Alternative 2 – Acquire equivalent fee ownership or perpetual easement along Lacamas Creek from private landowners, reasonably equivalent in conservation utility and location to the state lands in trespass. The department has identified a number of options that may, eventually, be a solution to the trespass but do not appear imminent and would place the local government transportation project in jeopardy. Under RCO land acquisition grant #16-1419 for “Lacamas Prairie Natural Area” (with potential to also access grant #18-1520), DNR has worked with the landowners highlighted as priority properties for state acquisition. The letters A, B, C, D, E and F below indicate the priority acquisition opportunities for the grant funds; see map below. For the reasons below, the option of purchasing either a conservation easement or small, in-fee replacement property seem speculative, and the costs cannot yet be determined. None of the alternatives provide a workable remedy at this time.

- One potential easement option adjacent to currently owned DNR conservation lands was instead acquired by DNR in fee (10 acres of grant priority property D) separately from the conversion process. Thus, this option is no longer available.
- For other priority grant parcels (A-1, C, E and F), landowners are considering future options to sell to DNR but are not interested at this time.

- A portion of property B may, if future negotiations remain favorable, provide opportunity for a conservation easement or in-fee solution to the conversion, however the discussions are in the early stages and the acquisition horizon extends beyond the timeframe needed to remedy the current trespass and mandated intersection improvements.



Summary of the Trespass Solution

The Department of Natural Resources will implement the preferred alternative.

- The department is holding a 30-day comment period to review a preferred option and potential alternatives.
- The solution involves land acquisition or exchange for a parcel “reasonably equivalent in habitat utility and location,” as required by the Recreation and Conservation Office (RCO).
- The department as conducted cultural resources review on the state-owned intersection property in trespass and determined that future construction activities (by non-state parties) will need to be monitored during ground disturbing work, and that the work will be government by both city and county cultural resources ordinances. The department will also review the acquisition/exchange parcel, which as a conservation acquisition will have no ground-disturbing activity.

Public Comment Opportunity

Please submit comments on the proposed resolution to the conversion of state lands at the intersection of NE Ingle Road and NE Goodwin Road, within the City of Camas, at Lacamas Creek Natural Area by close of the comment period on December 28, 2020.

Public comments must be made in writing or email and submitted to:

Mail: Natural Areas Program / Lacamas Prairie Natural Area
 Washington State Department of Natural Resources
 PO Box 47014
 Olympia WA 98504-7014

Email: AMPD@dnr.wa.gov
 With the subject line “Comment on Lacamas Prairie trespass resolution”

This document was created by the Natural Areas Program at the Washington Department of Natural Resources with an issue date of November 24, 2020.

More information about the Department of Natural Resources conservation programs can be found at www.dnr.wa.gov.