
SENATE BILL 5500

State of Washington 53rd Legislature 1993 Regular Session

By Senators Talmadge, Cantu, Fraser, Quigley and Deccio

Read first time 02/01/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to acquisition, development, and disposal of state
2 parks land; amending RCW 43.51.210, 43.51.215, and 43.51.270; and
3 adding a new section to chapter 43.51 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.51.210 and 1984 c 87 s 2 are each amended to read
6 as follows:

7 (1) Whenever the state parks and recreation commission finds that
8 any land under its control cannot advantageously be used for park
9 purposes, it is authorized to dispose of such land. If such lands are
10 school or other grant lands, control thereof shall be relinquished by
11 resolution of the commission to the proper state officials. If such
12 lands were acquired under restrictive conveyances by which the state
13 may hold them only so long as they are used for park purposes, they may
14 be returned to the donor or grantors by the commission. All other such
15 lands may be either sold by the commission to the highest bidder or
16 exchanged for other lands of equal value by the commission, and all
17 conveyance documents shall be executed by the governor. All such
18 exchanges shall be accompanied by a transfer fee, to be set by the
19 commission and paid by the other party to the transfer; such fee shall

1 be paid into the parkland acquisition account established under RCW
2 43.51.200. Sealed bids on all sales shall be solicited at least twenty
3 days in advance of the sale date by an advertisement appearing at least
4 in three consecutive issues of a newspaper of general circulation in
5 the county in which the land to be sold is located. If the commission
6 feels that no bid received adequately reflects the fair value of the
7 land to be sold, it may reject all bids, and may call for new bids.
8 All proceeds derived from the sale of such park property shall be paid
9 into the state general fund. All land considered for exchange shall be
10 evaluated by the commission to determine its adaptability to park
11 usage. The equal value of all lands exchanged shall first be
12 determined by the appraisals to the satisfaction of the commission:
13 PROVIDED, That no sale or exchange of state park lands shall be made
14 without the unanimous consent of the commission.

15 (2) Notwithstanding subsection (1) of this section, prior
16 authorization by the legislature shall be required to dispose of state
17 park land, where the land to be disposed is either greater than ten
18 acres or more than fifty percent of the contiguous area of the state
19 park lands.

20 **Sec. 2.** RCW 43.51.215 and 1975 1st ex.s. c 107 s 1 are each
21 amended to read as follows:

22 (1) At least ten days but not more than twenty-five days before the
23 director of parks and recreation presents a proposed exchange to the
24 parks and recreation commission involving an exchange of state land
25 pursuant to this chapter, the director shall hold a public hearing on
26 the proposal in the county where the state lands or the greatest
27 proportion thereof is located. Ten days but not more than twenty-five
28 days prior to such hearing, the director shall publish a paid public
29 notice of reasonable size in display advertising form, setting forth
30 the date, time, and place of the hearing, at least once in one or more
31 daily newspapers of general circulation in the county and at least once
32 in one or more weekly newspapers circulated in the area where the state
33 owned land is located. A news release pertaining to the hearing shall
34 be disseminated among printed and electronic media in the area where
35 the state land is located. The public notice and news release also
36 shall identify lands involved in the proposed exchange and describe the
37 purposes of the exchange and proposed use of the lands involved. A
38 summary of the testimony presented at the hearings shall be prepared

1 for the commission's consideration when reviewing the director's
2 exchange proposal. If there is a failure to substantially comply with
3 the procedures set forth in this section, then the exchange agreement
4 shall be subject to being declared invalid by a court. Any such suit
5 must be brought within one year from the date of the exchange
6 agreement.

7 (2) Notwithstanding subsection (1) of this section, prior
8 authorization by the legislature shall be required to dispose of state
9 park land, where the land to be disposed is either greater than ten
10 acres or more than fifty percent of the contiguous area of the state
11 park lands.

12 **Sec. 3.** RCW 43.51.270 and 1992 c 185 s 1 are each amended to read
13 as follows:

14 (1) The board of natural resources and the state parks and
15 recreation commission shall negotiate a sale to the state parks and
16 recreation commission, for park and outdoor recreation purposes, of the
17 trust lands withdrawn as of August 9, 1971, pursuant to law for park
18 purposes and included within the state parks listed in subsection (2)
19 of this section: PROVIDED, That the sale shall be by contract with a
20 pay-off period of not less than ten years, a price of eleven million
21 twenty-four thousand seven hundred forty dollars or the fair market
22 value, whichever is higher, for the land value, and interest not to
23 exceed six percent. All fees collected by the commission beginning in
24 the 1973-1975 biennium shall be applied to the purchase price of the
25 trust lands listed in subsection (2) of this section; the acquisition
26 of the property described in subsections (3) and (4) of this section,
27 and all reasonable costs of acquisition, described in subsection (5) of
28 this section; the renovation and redevelopment of state park structures
29 and facilities to extend the original life expectancy or correct damage
30 to the environment of state parks; the maintenance and operation of
31 state parks; and any cost of collection pursuant to appropriations from
32 the trust land purchase account created in RCW 43.51.280. The
33 department of natural resources shall not receive any management fee
34 pursuant to the sale of the trust lands listed in subsections (2) and
35 (4) of this section. Timber on the trust lands which are the subject
36 of subsections (2), (3), and (4) of this section shall continue to be
37 under the management of the department of natural resources until such
38 time as the legislature appropriates funds to the parks and recreation

1 commission for purchase of said timber. The state parks which include
2 trust lands which shall be the subject of this sale pursuant to this
3 section are:

- 4 (2)(a) Penrose Point
- 5 (b) Kopachuck
- 6 (c) Long Beach
- 7 (d) Leadbetter Point
- 8 (e) Nason Creek
- 9 (f) South Whidbey
- 10 (g) Blake Island
- 11 (h) Rockport
- 12 (i) Mt. Pilchuck
- 13 (j) Ginkgo
- 14 (k) Lewis & Clark
- 15 (l) Rainbow Falls
- 16 (m) Bogachiel
- 17 (n) Sequim Bay
- 18 (o) Federation Forest
- 19 (p) Moran
- 20 (q) Camano Island
- 21 (r) Beacon Rock
- 22 (s) Bridle Trails
- 23 (t) Chief Kamiakin (formerly Kamiak Butte)
- 24 (u) Lake Wenatchee
- 25 (v) Fields Springs
- 26 (w) Sun Lakes
- 27 (x) Scenic Beach.

28 (3) The board of natural resources and the state parks and
29 recreation commission shall negotiate a mutually acceptable transfer
30 for adequate consideration to the state parks and recreation commission
31 to be used for park and recreation purposes:

32 (a) All the state-owned Heart Lake property, including the timber
33 therein, located in section 36, township 35 north, range 1E, W.M. in
34 Skagit county;

35 (b) The Moran Park Additions, including the timber thereon, located
36 in sections 16, 17, 19, 26, and 30, township 37 north, range 1W, W.M.;

37 (c) The Fort Ebey Addition (Partridge Point), including the timber
38 thereon, located in section 36, township 32 north, range 1W, W.M. and
39 section 6, township 31 north, range 1E, W.M.;

1 (d) The South Whidbey Addition (Classic U), including the timber
2 thereon, located in section 29, township 30 north, range 2E, W.M.; and

3 (e) The Larrabee Addition, including the timber thereon, located in
4 section 29, township 37 north, range 3E, W.M.

5 (4) The board of natural resources and the state parks and
6 recreation commission shall negotiate a sale to the state parks and
7 recreation commission of the lands and timber thereon identified in the
8 joint study under section 4, chapter 163, Laws of 1985, and commonly
9 referred to as:

10 (a) The Packwood trust property, Lewis county « located on the
11 Cowlitz river at Packwood;

12 (b) The Iron Horse (Bullfrog) trust property « adjoining the John
13 Wayne Pioneer Trail at Iron Horse State Park;

14 (c) The Soleduck Corridor trust property, Clallam county « on the
15 Soleduck river at Sappho;

16 (d) The Lake Sammamish (Providence Heights) trust property, King
17 county « adjacent to Hans Jensen Youth Camp area at Lake Sammamish
18 State Park;

19 (e) The Kinney Point trust property, Jefferson county « on the
20 extreme southern tip of Marrowstone Island;

21 (f) The Hartstene Island trust property, Mason county « near Fudge
22 Point on the east side of Hartstene Island approximately two miles
23 south of Jarrell Cove State Park;

24 (g) The Wallace Falls trust property addition, Snohomish county «
25 located adjacent to Wallace Falls State Park;

26 (h) The Diamond Point trust property, Clallam county « on the
27 Strait of Juan de Fuca; provided, however, to the extent authorized by
28 the commission by its action of December 7, 1990, as now or hereafter
29 amended, the acreage and boundaries of the Diamond Point trust property
30 acquired by the commission may vary from the acreage and boundaries
31 described in the joint study. The commission may not authorize
32 acquisition of any portion of the Diamond Point trust property by a
33 private party prior to approval by the Clallam county board of
34 commissioners of a preliminary master site plan for a resort
35 development on the property;

36 (i) The Twin Falls trust property addition, King county « three
37 parcels adjacent to the Twin Falls natural area, King county;

1 (j) The Skating Lake trust property, Pacific county « one and one-
2 half miles north of Ocean Park and two miles south of Leadbetter State
3 Park on the Long Beach Peninsula;

4 (k) The Kopachuck trust property addition, Pierce county «
5 adjoining Kopachuck State Park;

6 (l) The Point Lawrence trust property, San Juan county « on the
7 extreme east point of Orcas Island;

8 (m) The Huckleberry Island trust property, Skagit county « between
9 Guemes Island and Saddlebag Island State Park;

10 (n) The Steamboat Rock (Osborn Bay) trust property, Grant county «
11 southwest of Electric City on Osborn Bay;

12 (o) The Lord Hill trust property, Snohomish county « west of
13 Monroe;

14 (p) The Larrabee trust property addition, Whatcom county «
15 northeast of Larrabee State Park and Chuckanut Mountain;

16 (q) The Beacon Rock trust property, Skamania county « at Beacon
17 Rock State Park;

18 (r) The Loomis Lake trust property, Pacific county « on the east
19 shore of Loomis Lake and Lost Lake;

20 (s) The Lake Easton trust property addition, Kittitas county « one-
21 quarter mile west of Lake Easton State Park near the town of Easton;

22 (t) The Fields Spring trust property addition, Asotin county «
23 adjacent to the west and north boundaries of Fields Spring State Park;

24 (u) The Hoypus Hill trust property, Island county « south of the
25 Hoypus Point natural forest area at Deception Pass State Park;

26 (v) The Cascade Island trust property, Skagit county « on the
27 Cascade river about one and one-half miles east of Marblemount off of
28 the South Cascade county road and ten and one-half miles east of
29 Rockport State Park.

30 Payment for the property described in this subsection shall be
31 derived from the trust land purchase account established pursuant to
32 RCW 43.51.280. Timber conservation and management practices provided
33 for in RCW 43.51.045 and 43.51.395 shall govern the management of land
34 and timber transferred under this subsection as of the effective date
35 of the transfer, upon payment for the property, and nothing in this
36 chapter shall be construed as restricting or otherwise modifying the
37 department of natural resources' management, control, or use of such
38 land and timber until such date.

1 To the extent feasible, the full parcels identified in this
2 subsection (4) shall be acquired by the commission for park purposes.

3 (5) The funds from the trust land purchase account designated for
4 the acquisition of the property described in subsections (3) and (4) of
5 this section, and the reasonable costs of acquisition, shall be
6 deposited in the park land trust revolving fund, hereby created, to be
7 utilized by the department of natural resources for the exclusive
8 purpose of acquiring real property as a replacement for the property
9 described in subsections (3) and (4) of this section to maintain the
10 land base of the several trusts and for the reimbursement of the
11 department of natural resources for all reasonable costs, to include,
12 but not exclusively, the appraisal and cruising of the timber on the
13 property for the acquisition of the property described in subsections
14 (3) and (4) of this section. Disbursements from the park land trust
15 revolving fund to acquire replacement property, and pay for all
16 reasonable costs of acquisition, for the property described in
17 subsections (3) and (4) of this section shall be on the authorization
18 of the board of natural resources. In order to maintain an effective
19 expenditure and revenue control, the park land trust revolving fund
20 shall be subject in all respects to chapter 43.88 RCW, but no
21 appropriation shall be required to permit expenditures and payment of
22 obligations from the fund. The state treasurer shall be custodian of
23 the revolving fund.

24 The department of natural resources shall pay all reasonable costs,
25 to include, but not exclusively, the appraisal and cruising of the
26 timber on the property for the acquisition of the property described in
27 subsection (3) of this section from funds provided in the trust land
28 purchase account. Any agreement for the transfer of the property
29 described in subsection (3) of this section shall not have an interest
30 rate exceeding ten percent.

31 The parks and recreation commission is authorized to accept,
32 receive, disburse, and administer grants or funds or gifts from any
33 source including private individuals, public entities, and the federal
34 government to supplement the funds from the trust land purchase account
35 for the purchase of the property described in subsection (3) of this
36 section.

37 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.51 RCW
38 to read as follows:

1 The commission shall obtain express legislative authorization in
2 the biennial capital budget for any substantial new development on park
3 lands that have not previously been used for state park purposes or
4 developed for public use as a state park.

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