



Rex Derr  
Director

STATE OF WASHINGTON  
**WASHINGTON STATE PARKS AND RECREATION COMMISSION**

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December 3, 2009

**Item E-12: Osoyoos Lake Veterans' Memorial State Park – Rescind Transfer to City of Oroville – Requested Action**

**EXECUTIVE SUMMARY:** This item requests that the Commission rescind its action to transfer Osoyoos Lake Veterans' Memorial State Park to the City of Oroville, as approved on October 1, 2009. This request is due to an administrative error that resulted in inaccurate information being presented to the Commission. This item complies with our Centennial 2013 Plan element, "our Commitment – Public Service" and with our core values.

**SIGNIFICANT BACKGROUND INFORMATION:**

Commission Policy Direction

The Commission adopted criteria for transfer of state park properties not declared consistent with the Centennial 2013 Vision, at its August 6, 2009 meeting (Appendix 1). These criteria identify five standards; enforceability, public use, agreement, capability, and location. The location standard states: "State Park properties proposed for transfer that are located within the Urban Growth Area or corporate limits of a city or town will, assuming the four other criteria are met, be first considered for transfer to that local government entity."

Past Actions

On October 1, 2009, the Commission authorized the transfer of Osoyoos Lake Veterans' Memorial State Park (Park) to the City of Oroville after receiving a staff recommendation in support of the action. The staff recommendation was based on the statement: "Because the park is within the Urban Growth Area of Oroville the local government receives first priority for consideration in the proposed transfer." The transfer was to be finalized after the Director or designee received assurance that all other Commission standards were met.

New Findings

Staff has learned that Okanogan County does not have an approved plan that identifies Urban Growth Areas (UGA) within the County. The growth rate within the County does not require such a plan under the Growth Management Act. The City of Oroville has a Comprehensive Management Plan, but this does not meet the definition of an UGA. The Park is not currently within the corporate limits of the City of Oroville, nor is it within the UGA of the city.

Due to an administrative error in the information presented to the Commission, the staff recommendation was not consistent with Commission policy direction.

**STAFF RECOMMENDATION**

The Commission has received letters of interest from two entities, the City of Oroville and the Confederated Tribes of the Colville Reservation. If the prior direction to transfer the Park to the City of Oroville were rescinded for reasons of administrative error, staff proposes to provide each of those two entities with an opportunity to review and modify their proposal, if they so desire, since both parties previously believed the decision had a strong linkage to the criteria addressing location rather than merit related to public use.

Staff further recommends that the Confederated Tribes of the Colville Reservation and the City of Oroville be offered the opportunity to seek transfer of the park to them on the following schedule.

- January 31, 2010 - letters of interest and any desired support materials must be received by Mr. Jim Harris, Eastern Region Director at [jim.harris@parks.wa.gov](mailto:jim.harris@parks.wa.gov).
- March 11, 2010- staff will, at its regular meeting in Tacoma, report to the Commission on all transfer requests received and all interested parties will have the opportunity to testify on the issue to the Commission.
- June 24, 2010- at its regular meeting in Walla Walla the Commission will hear a staff recommendation and public testimony for its consideration regarding the transfer of Osoyoos Lake Veterans’ Memorial State Park.

Per RCW 79A.05.170, a land transfer requires that the transfer deed contain a reversionary clause; this states that if the land is not used for recreational purposes it will revert to the Commission. When the recipient is a tribal government, the tribe must agree to a waiver of sovereign immunity to enable enforcement of the reversionary clause and any other encumbrances placed on the transfer by the Commission.

**SUPPORTING INFORMATION:**

Appendix 1 Criteria for transfer of state park properties not declared consistent with the Centennial 2013 Vision

**REQUESTED ACTION OF COMMISSION:**

*That the Washington State Parks and Recreation Commission*

1. Withdraw the authorization given to Director or designee, on October 1, 2009, to transfer Osoyoos Lake Veterans’ Memorial State Park to the City of Oroville.
2. Direct staff to work with the City of Oroville and the Confederated Tribes of the Colville Reservation in preparation for a Commission action to respond to their independent requests for transfer of the Park.

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<b>Parks Affected:</b>	Osoyoos Lake Veteran’s Memorial State Park

**Reviewers:**

**Bill Koss, SEPA:** The above referenced Requested Action is categorically exempt from the State Environmental Policy Act according to **WAC 197-11-800 (19)**. Following review, staff has determined the action proposed for the Commission by staff is exempt from the State Environmental Policy Act.

**Fiscal Impact Statement:** The recommended action could have a negative impact on the agency's budget. Any delay in transfer of the park to any entity delays savings that could be applied to future budget cuts.

**Assistant Attorney General: November 2, 2009**

**Judy Johnson, Deputy Director:** \_\_\_\_\_

**Approved for transmittal to Commission by:** \_\_\_\_\_

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**Rex Derr, Director**

**APPENDIX 1**  
**CRITERIA FOR TRANSFER OF STATE PARK PROPERTIES NOT  
DECLARED CONSISTENT WITH THE CENTENNIAL 2013 VISION**

1. **Enforceability** - It is vital that the transfer agreement and any deed restrictions between the state and the receiving entity be enforceable by the state.
2. **Public Use** - The receiving entity must make it clear that it has no intent other than to keep all of the property proposed for transfer in public recreation use. Any portion of a potential transfer property proposed for conversion to non-recreational use will be done so by, and to the benefit of, the Commission.
3. **Agreement** - The receiving agency must be willing to enter into a transfer agreement and accept all terms and conditions as may be required by law, imposed by the Commission, or negotiated by the Commission and the receiving entity.
4. **Capability** - The receiving agency must exhibit a demonstrated capability to protect and preserve the natural, cultural, historic resources and past public investment in the recreation facilities found on the property proposed for transfer.
5. **Location** - State Park properties proposed for transfer that are located within the Urban Growth Area or corporate limits of a city or town will, assuming the four criteria above are met, be first considered for transfer to that local government entity.