To Whom It May Concern:

Please find attached the "Application for Docketing Amendments to the Kittitas County Comprehensive Plan." This application is to be used by the public, officials or staff to submit recommended amendments to the Kittitas County Comprehensive Plan. These applications will be listed on a "Docket " or list of times to be considered by the legislative bodies of Kittitas County during emergencies or during the annual comprehensive plan review. There is a $1,485.00 fee for a Text Amendment and a $2,150.00 fee for Comprehensive Plan or Land Use Map amendments.

The deadline for submitting amendments to the Kittitas County Comprehensive Plan is 5:00 PM, June 30 of each year with a review of these docketed amendment subjects to begin on July 1 of the same year. If June 30 falls on a weekend, then docketed items must be submitted on the Friday before the deadline at 5:00 PM. Any action taken by the legislative bodies of Kittitas County on the docketed items will take place no later than December of this same year.

Many topics may be docketed for amendment including textual corrections, plan deficiencies, new subareas or elements (i.e. recreation plan) or the addition and deletion of text. The following is a summary of the amendment process to the Kittitas County Comprehensive Plan and includes deadlines, process and amendment procedures:

The Kittitas County Comprehensive Plan, elements thereof, and development regulations shall be subject to continuing evaluation and review by Kittitas County. Any change to development regulations shall be consistent with and implement the comprehensive plan as adopted pursuant to RCW 36.70A.

A) If, during project permit review, Kittitas County identifies deficiencies in county plans or regulations, the project permit review shall continue, and the identified deficiencies shall be docketed for possible future amendments. For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse impacts that the permitting agency could mitigate in the normal project review process.

B) Any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments. The suggested amendments shall be docketed with the Planning Department and considered by Kittitas County Planning Commission and Board of County Commissioners on at least an annual basis, consistent with the provision of RCW 36.70A.130 and the regulatory reform act ESHB 1724.

C) Proposed amendments or revisions of the comprehensive plan are considered by the Board of County Commissioners no more frequently than once a year except that amendments may be considered more frequently under the following circumstances:

1. The initial adoption of a subarea plan; and
2. The adoption or amendment of a Shoreline Master Program under the procedures set for the in RCW 90.58.

D) All proposals shall be considered by Kittitas County concurrently so that the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation Kittitas County may adopt amendments or revisions to its comprehensive plan whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

DARRYL PIERCY, DIRECTOR
ALLISON KIMBALL, ASSISTANT DIRECTOR
COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION
E) For map amendments and related rezones to be considered together in public hearings, the Request to Rezone application shall be received on or prior to June 30 in the same docket year as the map amendment application.

F) For the purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in the Planning Department in a manner that will ensure such suggested changes will be considered by Kittitas County and will be readily available for review by the public. Docketing for the calendar year shall be from January 1 to June 30 of each calendar year. Amendments docketed after June 30 shall be considered in the following calendar year.

G) Amendments to the comprehensive plan or development regulations docketed by June 30 shall be approved or denied by the Board of Kittitas County Commissioners on or before December 31 of that same calendar year.

H) In order to facilitate public participation Kittitas County shall maintain and provide for the following procedures when considering amendments to the comprehensive plan and development regulations:

1. Broad dissemination of proposals and alternatives. The docket shall be available for public review in the Planning Department during regular business hours. Alternatives to a proposal may be submitted by any party prior to the closing of the written testimony portion of the public hearing before the Planning Commission.

2. Opportunity for written comments. Written testimony shall not be allowed from the date of docketing up to the date of closing of the written testimony portion of the public hearing.

3. Public Meetings. Study sessions and hearings shall be held only after effective notice has been distributed.

4. Provisions for open discussion. Hearings shall allow for sufficient time allotments in order that all parties that wish to give oral or written testimony may do so.

5. Communication programs and information services. A newsletter that summarizes amendments docketed and projected meeting and hearing dates should be provided by the Planning Department for distribution to all parties that have requested to receive it by mail. Copies of proposed amendments shall be available at cost of reproduction.

6. Consideration of and response to public comments. Planning Commission and the Board of Kittitas County Commissioners members should review the testimony submitted in their findings.

7. Notice of decision. Publication in the paper of record of a notice that Kittitas County has adopted the comprehensive plan or development regulations or amendments thereto, and such publication shall state all petitions. In relation to whether or not such actions are in compliance with the goals and requirements of this chapter, RCW 90.58 or RCW 43.21C and must be filed within 60 days after the publication date.

Please contact our office if you have any questions at (509)962-7506.

Sincerely,

Kittitas County Community Development Services
COMPREHENSIVE PLAN AMENDMENT DOCKETING FORM

I. CHECK THE APPROPRIATE BOXES

COMP PLAN MAP ☐ COMP PLAN TEXT ☐

NOTICE: If the amendment you are applying for is within an URBAN GROWTH AREA or you are proposing a UGA expansion of the Ellensburg, Cle Elum, or Roslyn UGA you are required to docket your item with that City as well. You must contact the appropriate City for filing deadlines, fees, application, and costs.

II. GENERAL INFORMATION

A. APPLICANT'S NAME: Brian E Murphy
   MAILING ADDRESS: 3121 Broadway East
                     Seattle Wa. 98102
   E-MAIL ADDRESS: brianmurphy@comcast.net
   BUSINESS PHONE: 206-799-2293 HOME PHONE: 206-323-6738

B. AGENT'S NAME: Brian E Murphy
   MAILING ADDRESS: 3121 Broadway East
                     Seattle Washington 98102
   E-MAIL ADDRESS: brianmurphy@comcast.net
   BUSINESS PHONE: 206-799-2293

C. SITE PLAN/PROPERTY MAP with the following features (as applicable): buildings, points of access, abutting roads, septic tank, drain field, etc. PLEASE ATTACH

D. LIST OF 500 FOOT ADJOINERS – PLEASE ATTACH. If adjoining parcels are owned by the applicant, the 500 feet extends from the farther parcel. If the parcels is within a subdivision with a Homeowners or Road Association, please include the address of the association. (Required on all applications for notification purposes)

III. FOR MAP AMENDMENTS

A. TAX PARCEL NUMBER(S): 306835
   TOTAL ACREAGE: 41.25
   SITE ADDRESS: Mile 2.75 East Kachess Road
   OWNER(S): Murphy at Loch Kachess LLC
   MAILING ADDRESS: 3121 Broadway East
                    Seattle Washington 98102
   HOME PHONE: 206-323-6738

(Additional sheets may be attached if more then one parcel is involved)
B. EXISTING COMPREHENSIVE PLAN DESIGNATION:
   Commercial Forest

C. EXISTING ZONING:
   Rural

D. PROPOSED COMPREHENSIVE PLAN DESIGNATION:
   Rural

E. PROPOSED ZONING DESIGNATION *:
   Forest & Range

F. THE PRESENT USE OF THE PROPERTY IS:
   Forest Land

G. SURROUNDING LAND USE:
   Commercial Forest & Seasonal Recreational Uses

H. SERVICES
   Please provide the following information regarding the availability of services.

   The site is currently served by sewer _____; septic _____ (check one)
   Sewer purveyor (if on public sewer system): None

   The site is currently served by a public water system _____; well _____
   Water purveyor (if on public water system): None

   The site is located on a public road ✓ private road _____ (check one)
   Name of road: East Kachess Road, FS Road 4818
   Fire District #: N/A

IV. FOR TEXT AMENDMENTS

   Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording (attach additional pages if necessary)
V. FOR ALL AMENDMENTS

A. Why is the amendment needed and being proposed?
The parcel consists of 41.25 acres of less than profitable forest land. Much of the
parcel has gone unmanaged for several decades and/or is within riparian
management zones for timber harvest. Proposed change will protect the forest
land resource, provide additional economic and tax stimulus, with limited
development by clustering.

B. How does the proposed amendment consistent with the County-Wide Planning Policies
for Kittitas County?
GPO 2.140 Encourage cluster residential developments on adjacent non-
commercial forestlands. Please see the De-designation port.of the Re-Zone
application

C. How is the proposed amendment consistent with the Kittitas County Comprehensive
Plan?
GPO2.133Any proposal for de-designation of commercial forestlands shall be subject to a
cumulative impacts analysis, including the size and ownership of the commercial forestlands
remaining in the county, the needs of the local forest products industry and impacts to those
needs by the proposed de-designation, and the potential benefits that may result from the
proposed de-designation including higher property taxes and economic stimulus.

D. How have conditions changed that warrant a comprehensive plan amendment?
Change in ownership of the parcel, with new ownership goals to revive the
unmanaged forest land resource protecting the resource in perpetuity with limited
development.

VI. Application is hereby made for A COMPREHENSIVE PLAN AMENDMENT to authorize the
activities described herein. I certify that I am familiar with the information contained in this
application, and that to the best of my knowledge and belief such information is true, complete,
and accurate. I further certify that I possess the authority to undertake the proposed activities. I
hereby grant to the agencies to which this application is made, the right to enter the above-
described location to inspect the proposed and or completed work.

[Signature]
Signature of Authorized Agent Date: 6-26-08

[Signature]
Signature of Land Owner of Record (required for application submittal) Date: 6-26-08

* Rezone requests require separate Request to Rezone application and fee.

G DRIVE/CDS FORMS/DEVELOPMENT APPLICATIONS/COMP PLAN AMENDMENT
UPDATED:01/01/08
500' Radius
Owned by SOUTH KACHESS LLC

21-13-22000-0001
USA (WNF)
WENATCHEE NATIONAL FOREST
215 MELODY LN
WENATCHEE WA 98801

21-13-27000-0002
SOUTH KACHESS LLC
43520 SE NORTH BEND WAY
NORTH BEND WA 98045-

21-13-27000-0005
SOUTH KACHESS LLC
43520 SE NORTH BEND WAY
NORTH BEND WA 98045-

RECEIVED
JUN 24 2003
KITTITAS COUNTY
CDS
Criteria for De-designation

Objective

The applicant’s objective is the De-designation of a single parcel of 41.25 acres zoned Commercial Forest. As a result of this action, Forest and Range 20 parcels will be created and virtually all-harvestable acreage will be remain as a forest land resource. With the use of innovative techniques, this proposal limits development to 4 seasonal home sites.

The discussion will focus on the following:

1. The proposal is consistent with the guidelines of the Growth Management Act and the Comprehensive Plan
2. GMA guidelines for forest land designation
3. No net reduction of forest land resource acreage on the applicant’s parcel
4. Land Grades and Site Class of the forest land
5. The merits of 30 acres as a forest land of “long term significance”
6. Permanent protection of the forest land resource against further development
7. Proximity to existing rural settlements, the impact on those settlements, and nearby development patterns
8. Property tax and economic benefit of de-designation
9. The compatibility of the owner’s goals and objectives with the Comprehensive Plan

Note: The De-designation criteria are discussed in no particular order of importance or value.

Criterion No. 1: Long Term Economic Conditions

From the Comprehensive Plan:

"The forest industry in Kittitas County has experienced a substantial economic down turn for the on state forest practices, imposing regulations to protect listed species and their habitats on Federal, State and Private forest lands. Backed by the increasing use of citizen suits under the ESA and other federal environmental statutes, these regulations resulted in the removal of most of the federal timber from the market place and placed
constraints on state and private forest management for wood products. This in turn increased the demand for logs off of private forestland. Increases in private harvests over the past decade helped to offset some of the decline in federal harvests, but the capacity to maintain higher harvest levels on private forest lands on a sustainable basis peaked, causing local mills to seek logs at greater distances. With the lack of local supply, increased transportation, and manufacturing costs, the mills had no choice but to shut down. The loss of seven mills since 1990 in Kittitas, Klickitat, Chelan, and Yakima counties has resulted in reduced market competition and increased haul distances for logs.”

“Under the GMA and its guidelines, lands may not be economically and practically managed for commercial timber production if long-term conditions, such as mill closures, unforeseen regulatory encumbrances, and international competition rendered such production economically unfeasible. As stated by the Washington Supreme Court, “the GMA is not intended to trap anyone in economic failure”.

It is not the intent of the applicant to cover new ground regarding the economic conditions of the forest industry, knowing that the readers of this proposal have read or are familiar with the Comprehensive Plan adopted in May 2008.

The applicant acknowledges that the forest industry has made a significant reversal from the more profitable decade of the 80’s when logging on Kachess Ridge ceased. Even though the parcel contains only about 30 acres of harvestable forest land, the applicant wishes to keep the resource intact. Will preserving 30 acres of forest land have a measurable impact on the Long Term Economic Conditions of Kittitas County? And, was this the intent of the GMA? Probably not. Nevertheless, with this proposal, these 30 acres of forest land can be preserved for their “Long-Term Significance”.

When The Growth Management Act was written, it intended that certain criteria be used as a guideline for designation, however the same criteria could be used as ongoing guidelines for De-designation.

From WAC 365-190-040g:
“Designation amendment process. Land use planning is a dynamic process. Procedures for designation should provide a rational and predictable basis for accommodating change.”
We believe the Long-Term Economic Conditions of Kittitas County and the economic viability of this parcel warrants strong consideration of De-designation to Forest and Range Use as provided by State of Washington guidelines and the Comprehensive Plan adopted May 14, 2008.

**Criterion No. 2: Compatible Land Use Alternatives**

In order to evaluate compatible land use alternatives we must first define the forest land on the parcel and determine its value as a resource land.

*WAC 365-190-060: Forest land resources.*

_In classifying forest land, counties and cities should use the private forest land grades of the department of revenue (WAC 458-40-530). This system incorporates consideration of growing capacity, productivity and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominantly higher grades need not preclude designation as forest land._

The parcel contains the following Washington State Department Of Revenue private forest Land Grades per the Kittitas County Assessor:

- 5.46 acres is tax coded 5-3 (96-119 feet tree height),
- 27.36 acres is tax coded 6-3 (70 to 95 feet tree height),
- 8.43 acres is tax coded 7-4 (Marginal Forest).

The Department of Revenue Land Grades for taxation of all forest Land Grades parcels are listed in Table 1 below.

Forest land of Long-term significance will generally have a predominance of the higher private forest Land Grades, per WAC 365-190-060. The majority of the harvestable forest Land Grades on this parcel is considered near the bottom of the Land Grade scale. Per WAC 365-190-060, this does not mean it precludes forestland designation. However, with 20% (8.43 acres T7-4) classified as Marginal or at the bottom of the scale, and another 66% (27.36 acres T6-3) below average, 86% of the parcel acreage is classified below average on the Land Grade scale. 13% (5.46 acres T5-3) is considered better than average by Eastern Washington standards, however the T5-3 land
grade is located near or within the Lake Kachess shoreline setback or within the Riparian Management Zone of a Stream. In Kittitas County, higher forest Land Grades, at a minimum, are generally considered to be 5-1, 5-2, and some 5-3. A “predominance of the higher private forest Land Grades” does not exist on this parcel, both in site index and operability.
**Table 1**

WAC 458-40-540 FOREST LAND VALUES. The forest land values per acre, for each grade of forest land for the 2008 assessment year.

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<thead>
<tr>
<th>LAND GRADE</th>
<th>OPERABILITY CLASS</th>
<th>VALUE PER ACRE</th>
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<td>5.46 acres Value 5-3</td>
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<td>27.36 acres Value 6-3</td>
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<td>8.43 acres Value 7-4</td>
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In addition to WAC 365-190-060, The Growth Management Act provided guidelines for designation of Forest Land in part by defining forest land in RCW 36.70A.130.

RCW 36.70A.130 Growth Management Definitions.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under *RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered:

(a) The proximity of the land to urban, suburban, and rural settlements;

The applicant recognizes the parcels location, Section 27, is separated from the Easton node by one section to the South. A rural settlement (Kachess Summer Home Sites) of 26 seasonal cabins (13 acres) and open space forest land (55 acres owned by cabin owners) is in Section 21, one half mile by road northwest of the applicant’s parcel. The rural settlement is virtually all of Section 21 not underwater in Lake Kachess. The boundary lines of section 21 and 27 intersect in Lake Kachess. Section 22, north of section 27 and east of section 21 is Wenatchee Nation Forest land. A similar development pattern of high density and large open space is directly across Lake Kachess to the west.

(b) Surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;

Consider the size of the Kachess Summer Home Sites development, 26 home sites on 13 acres, with 55 acres of open space (forest land). Density is one lot per 2.5 acres.
All of Section 22 to the North is Wenatchee National Forest, with the exception of 53 acres of the section in Lake Kachess.
To the south, the other parcels in section 27 are similar to the applicant’s parcel in size and forest land value. With one exception, all are non-conforming forest land parcels. Approximately 440 acres of Section 27 is in Lake Kachess.

The East Kachess Road defines the land use along the lake. All rural settlements are within approximately 300 feet of the lake, with the road acting as a settlement boundary.

The applicant proposes all development of the parcel to be limited to within 300 feet from the lake and all remaining acreage to remain forest land.

(c) Long-term local economic conditions that affect the ability to manage for timber production

See De-designation Criterion No. 5

(d) The availability of public facilities and services conducive to conversion of forest land to other uses.

See De-designation Criterion No. 4

Furthermore, WAC 365-190-060 covers a lot of the same ground as RCW 36.70A.130 but with additional criteria to further define Forest Lands.

“WAC 365-190-060” Counties and cities shall also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:

(1) The availability of public services and facilities conducive to the conversion of forest land

This issue is discussed in Criterion No. 4

(2) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements.
It is true that the parcel is within existing forestland (where the parcel sizes are nearly one full section), however the proposed development is consistent with nearby rural settlements, both in size and location to forest lands, The Kachess Summer Home Sites is a good example.

(3) The size of the parcels: Forest lands consist of predominantly large parcels.

We believe the authors meant these statements to be ongoing guidelines for classifying forestland. Is 41.25 acres a “predominate large parcel”? Probably not. In Kittitas County, below 80 acres is considered to be legal non-conforming lot sizes in the Commercial Forest Zone. Profitable harvest of timber beyond ground based harvesting techniques is difficult for a small harvest; this issue is examined in Criterion No. 5. Should the owner be bound by “local economic conditions” that affect the owner’s ability to manage the resource long term when viable and compatible alternatives exist? All forest management on resource land must have profitability, especially given the enormous risks. Nevertheless, the applicant is committed to protecting that acreage believed to be the forest land resource.

(4) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance.

The Kachess Summer Home Sites rural development is a good example. The applicant has been a cabin owner since 1993. The applicant along with neighbors, all understand that their property lies within a forest land of long-term significance. All owners would acknowledge that the surrounding forest is subject to harvest, and that harvest is beyond their control and any nuisance created by harvest is acceptable. More so, than in perhaps an urban environment, a stronger sense of community is created with all owners sharing more common interests, especially in protection of the resource.

And yes, the density of the Kachess Summer Home Sites rural settlement is more intense than today’s standards…but it works. The footprint and impact of the settlement is much less than one might imagine, largely because the use is seasonal versus permanent. In all cases, the use is second homes or perhaps more accurately, retreats from primary residences.

(5) Property Tax Classification

This issue is discussed Criterion No. 3
(6) Local Economic Conditions

This issue is discussed in Criterion No. 1

(7) History of land development permits issued nearby.

The development pattern in the area around Lake Kachess has and will always be somewhat minimal due to the checkerboard pattern of ownership. Typically, private ownership and the Forest Service own alternating sections of land. Private ownership is limited to those sections where the majority of the land is in the lake. This pattern of land development cannot change because of Forest Service land ownership.

From the Comprehensive Plan

"Rural land values including rural forested land values have increased dramatically since the Commercial Forest zone was created in 1993. These value increases have been driven by a high market demand for smaller parcels for use as rural residential, 2nd home site, or simply as an investment. In economic terms, the ‘highest and best use’ of these lands in the current market far exceeds traditional resource land values."

"Innovative land use planning that allows for development while preserving open space should be considered favorably."

The applicant has evaluated all alternative land uses of the parcel in both economic and compatible land use terms. The forest land resource has been identified as all acreage east of a 300-foot buffer from the lake. The buffer includes that area designated for 4 lots, the East Kachess Road easement, and an additional voluntary and logical buffer between the road and the forest land resource.

The applicant proposes to preserve nearly 100% of the parcel’s forest land resource for perpetuity. And, by restricting development to an area within 300 feet of Lake Kachess ensures:

- Maintaining the DNR Forest Practice Riparian Management Zone (RMZ) along the lake
- Maintain the forest harvest practice of prior owners
- A esthetic buffer between the East Kachess Road and the forest land resource
- Preserving the forest land resource, as it exists today, for future harvest
- The historical harvest practices observed along the entire shoreline of Lake Kachess are maintained, which include harvest setbacks of 200 to 300 feet from the shoreline.

The long-term economic strategy for the parcel is not "highest and best use", but "higher and better use", while maintaining the forest land resource. The applicant's request for "higher and better use" requires De-designation to Forest and Range. Through Innovative Planning the project calls for 80% of the parcel to be open space (protecting all harvestable forest land in perpetuity) and the remaining 20% to include 4 lots. The area to include the 4 lots has historically never been considered to be a part of the forest land resource. By utilizing Innovative Planning (clustering) while simultaneously De-designating the parcel to a Forest and Range zone, the parcel is forever bound and protected from further development. On the other hand, by De-designating without the proposed cluster development, the door remains open for more intense land use and development in the future.

The applicant is fully committed to preserving the forest land resource, and believes this approach closely maintains the status quo, that is preservation of the forest land resource.

Further, the adjacent parcel to the North is National Forest, any owner of a lot within 500 feet of the boundary will be subject to the following guidelines:

GPO 2.142B Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that states that:

"The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with county, state and federal laws are not subject or legal action as public nuisances. (RCW 7.48.305)"

In addition, the proposed northern most lot shares a boundary with the National Forest. Since that boundary is within 300 feet of the lake, the historical no-cut zone near the lake has already established a buffer.
GPO 2.140 Encourage clustered residential developments on adjacent non-commercial forest lands. The open space in clustered development should buffer adjacent forestland from development.

To summarize, the applicant believes that the proposed cluster development is located on “adjacent non-commercial forest-lands.” The buffer that has been maintained by all landowners, public and private, along the lake is sufficient. As a result, no net loss of the forest land resource is proposed. In this proposal, the compatible land use of a cluster development while maintaining the forest land resource, is supported by the both the GMA and The Kittitas County Comprehensive Plan.

Criterion No. 3: Ownership Goals and Objectives

The long-term and short-term goals and objectives of the applicant (landowner) are two-fold:
- Protection of the investment
- Protection of the resource.

The goals and objectives can be accomplished with a level of development somewhere between “highest and best use”, and the exclusive use of the parcel as forestland. By developing only a portion of the land, and only that, which is not practical for forest harvest, the goals and objectives will be met. With that being said, the applicant’s approach is, and always will be, a “best of both worlds” strategy.

From the Comprehensive Plan

“Private lands are managed under the expectations and objectives of the landowner, and largely derive their operating costs from forest products. Unless private timber lands are economically viable, private landowners may be without the financial means to effectively manage their forests.”

The applicant recognizes that the marketplace determines land value, where a buyer and seller agree to sales price. Historically, land sold as forestland has used a simple formula for a sales price. That is;
Net timber value
Plus margin
Plus residual value of land after harvest
In other words, forest land used strictly as resource lands, is sold based on the present value of net timber sales plus some profit margin and residual value. When Forestland is sold outside the formula, is it still just forest land? When forest land is sold for 2 times, 5 times, 10 times, or more than the formula, is it still forest land? The marketplace will usually answer the question. It is true however, that when forest land sales pricing exceed the usual formula for pricing, then the marketplace is suggesting alternative uses. This is clearly the case with this parcel. The challenge for the landowner in this type of forest land environment is to satisfy both the need for sustaining the natural resource, and ensuring a return on investment. The GMA allows for this type of alternative strategy, by setting guidelines for forest land designations.

"WAC 365-190-060"

(3) The size of the parcels: Forestlands consist of predominantly large parcels.

It is clear the legislature intended Forestland to be “predominately large parcels”. It would have been difficult to predict in 1993, but nevertheless this parcel ended up in hands of a private owner as a small parcel of 41.25 acres. The applicant believes that the legislature did not intend for a 41.25-acre parcel to meet the definition of “predominately large parcels”. The majority of forest land in Kittitas County consists of entire sections; the minimum acreage for a conforming forest land parcel is set at 80 acres.

From the Comprehensive plan

The de-designation discussion should consider:

- Regional benefits that may result from de-designation, including higher property taxes and economic stimulus

Since 1993, the ownership of the parcel enjoyed substantial tax benefits with the forestland classification. Real estate taxes for the period 1993 through 2008 totaled approximately $1000. By removing the parcel from Forestland, the Forestland Tax Classification would be removed and the Compensating Tax owed is $27,519.38 (per Kittitas County Assessor Christy Garcia estimate of May 22, 2008). Over the next 10 years the applicant forecasts the parcel could generate a minimum of $60,000 additional real estate tax
revenue, regardless of whether 30+ acres remaining in the Forestland Tax Classification.

Additional economic impacts to Kittitas County as a result of De-designation include the sales of goods and services associated with the construction of 4 seasonal cabins and their related buildings, as well as the goods and services purchased by the owners and their guests for years to come.

CRITERION NO. 4: AVAILABILITY OF PUBLIC SERVICES

Current and future status of infrastructure.

It is the applicant’s intention to rezone the parcel to Forest and Range 20 acres. There is no current infrastructure on the parcel. The vision for the future status of the infrastructure includes 4 lots each with a seasonal cabin, served by a group B well, each with separate septic facilities, solar panels to be used as primary power with a back up generator. The four lots will represent less than 10 acres and the remaining 30+ acres forest land.

Public roads or potentially public roads.

The East Kachess Road, a.k.a. USFS Road 4818, serves the site. Since 2000, the East Kachess Homeowners Association has provided 100% of all road maintenance. In the winter months the road becomes a Sno-Park road used by snowmobilers, dog sledders, CC skiers and hikers, and other winter related recreational activities.

Fire District.

The parcel is located approximately one mile north of the Easton Fire District. Therefore, the parcel is within the Urban Wildland Interface boundary. The subject property will be subject to the UWI Codes enforced by Kittitas County.

Public schools.

Public schools are in Easton, actual location is approximately 3 miles, and however since access to the parcel is seasonal, this issue is not applicable.

Water available or potentially available.
Water will be available with the group B well.


Waste water treatment shall be on site individual septic systems per Kittitas County Code.

CRITERION NO. 5: SITE PRODUCTIVITY

Site Class
Type I  approx. 12 acres
Type II approx. 29 acres

9 acres of the parcel is protected:
Of the Site Class I, (approximately 4.25 Acres) 35% is within a Riparian Management Zone buffer along Lake Kachess
Of the Site Class II, (4.75 Acres) 13.7% is within a Riparian Management Zone along the stream

Approximately 2 acres of the parcel is FS Road 4818.

Of the remaining 30 acres of forest land, 8 acres are Site Class I and 22 acres are Site Class II. Approximately 8 to 10 acres can be harvested with Ground-Based Harvesting Systems with the existing roads; this estimate is per Todd Bates of DNR. The remaining 20 to 22 acres harvest by cable only; an impractical approach, given the acreage.

Those areas within 200 to 300 feet of Lake Kachess are older, taller trees; this is the Class I forest. The majority of the parcel is 35 to 37 year old timber that has grown largely unmanaged, perhaps due to the parcel’s proximity to a recently decertified spotted owl circle.

27.36 acres is tax coded T6-3 (70 to 95 feet), 8.43 acres is tax coded T7-4 (Marginal Forest). Both of these tax code classifications are largely represented in the 35 to 37 year old stand.

In summary, in today’s market, any stumpage dollars from harvest are, at best, slightly more than breakeven. With proper thinning, in twenty years a harvest of approximately 8 to 10 acres is conceivable with Ground-Based Harvesting Systems, and may yield some profit. The remaining acreage available for harvest would likely yield a loss due to the small amount of
acreage and additional cost of non Ground-Based Harvesting Systems. It is unlikely that the land can produce a profitable marketable stand of timber, but given time the applicant is hopeful the parcel can yield a marketable stand of timber. As a result, it is the intention of the applicant to protect the forest land resource portion of the parcel for perpetuity.

A Forester has been hired to develop a short term and long term forest management plan for the parcel. The plan will be completed this year and added to the proposal.

**SITE CLASS — On Site Class Map only**

- Site Class I
- Site Class II
- Site Class III
- Site Class IV
- Site Class V

**CRITERION NO. 6: CHANGE IN CIRCUMSTANCES**
The Growth Management Act was intended to be a dynamic process. Forest Land affected by Wildlife Regulations, HCPs, The Endangered Species Act, or the removal of most Federal Timber from the marketplace, have and will continue to change the way forests are managed and owned. The GMA could not have foreseen the role of how wildlife has affected the timber harvest. It is clear however, that the GMA did not intend on the small forest land owner to make up for timber harvest shortfalls that may have been caused by Federal agreements such as the Plum Creek HCP, or large forest land tracts purchased for esthetic conservation, or large tracts purchased for habitat connectivity corridors. Perhaps nothing has had a greater effect on the economic side of Forest Land as a resource land than these issues. But lastly, and perhaps most importantly, the GMA set guidelines for Forest Land parcel size and asked counties to consider compatible and more intense uses other than timber production.

Regarding the applicant’s parcel, perhaps the most significant change of circumstance is the 2008 De-certification of a Spotted Owl Circle. The entire parcel was located within the “site center’s .7-mile habitat.” In 2008, the parcel was removed from the Plum Creek HCP and the Spotted Owl Circle decertified. The applicant assumes that past management of the forest (thinning etc.) was limited due to the Spotted Owl Circle. In the State of Washington, restrictions within the Spotted Owl Circle are less for landowners with less than 500 acres than they would be for a company like Plum Creek; see WAC 222-16-100 Landowner Option Plans. Without regard to county zoning, and perhaps with the risk of over simplification, Washington State law allows for more development than tree harvesting with in the Spotted Owl circle. Now, with the Spotted Owl Circle removed, only the usual Forest Practice restrictions apply. If anything, the lifting of restrictions that came with change in ownership has enhanced the forest land resource portion of the parcel. The end result is more forest land of long term significance in Kittitas County.

The non-privately held portions of Kachess Ridge were classified as an Adaptive Management Area as part of the Cascade Habitat Conservation Area. In addition, section 27 was identified in the Plum Creek HCP as part of the nesting, roosting, foraging and dispersal area for the spotted owl. Since forest harvest has ceased 20 years ago, some level of Wildlife Corridor had been maintained. The applicant assumes that by setting aside the majority of the parcel for perpetuity, hopes to contribute to the preservation of the Wildlife corridor.
Summary

The applicant believes the proposal for De-designation is with merit. The focus of the proposal is to preserve the forest land resource and ensure the proposed development will not impact the resource, now and forever.

RCW36.70A.030 (10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

GPO 2.140 From the Comprehensive Plan, ”Encourage clustered residential developments on adjacent non-commercial forestlands. The open space in clustered development should buffer adjacent forestland from development.”

The applicant believes that “non-commercial forestlands” are those without “long-term commercial significance”. This is includes forest land that would not and/or could not be considered a candidate for harvest, including that portion of the parcel proposed for limited development. Further, GPO 2.140 is meant to encourage limited development in these non-commercial forest lands.

RCW36.70A.030 (16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands...”.

RCW36.70A.030 (18) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

The applicant believes the proposal not only meets the guidelines and intent of the GMA and the Comprehensive Plan, but also meets the spirit of those laws. That spirit is, preserve the forest land resource and limit urban growth
with rural development outside the forest land resource area, as defined in RCW36.70A.030 (16) and (18). Rural development outside the resource land is not urban growth.

_From WAC 365-190-040g:_

"Designation amendment process. Land use planning is a dynamic process. Procedures for designation should provide a rational and predictable basis for accommodating change."

In conclusion, this proposal or designation amendment seeks to preserve the forest land resource and limit development, by providing a rational and predictable basis for accommodating change. Additionally, without this de-designation, no increased economic benefit will be realized by Kittitas County. On the other hand, this De-designation provides a measurable increase in economic and tax benefit to Kittitas County without disrupting the current inventory of “forest land of long-term significance”.

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