

MARSHA WEYAND, ASSESSOR

## Kittitas County Assessor

205 W 5<sup>th</sup> Ave • Room 101, Courthouse • Ellensburg, WA 98926  
Phone (509) 962-7501 • Fax (509) 962-7666

### MEMO

TO: Jeff Watson, CDS  
FROM: Christy Garcia, Assessor's Office  
DATE: August 7, 2013  
RE: Open Space Land Application: *Cascade Land Conservancy (Forterra)* (Resort Creek)

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A new application for Current Use Open Space Land tax classification was received in this office on July 18, 2013. The application legal description and parcel numbers have been reviewed and no errors found.

Christy



**Kittitas County Office Of The Treasurer**  
**Deanna Jo Panattoni, Treasurer**  
205 W 5th Avenue, Suite 102  
Ellensburg, Wa 98926  
Phone (509)962-7535 Fax (509) 933-8212

Cash Suspense

Receipt Number: 2013-3695

Date: 07/19/2013

Received From: FORTERRA, DARCY WHITNEY

Check Amount: \$300.00

Cash Amount: \$0.00

Eft Amount: \$0.00

Total Amount: \$300.00

Deputy: CHRISTINEG Receipt Type: CHK

Template: CURRENT USE - ( CURRENT USE - OPEN SPACE

Comments:

CURRENT USE OPEN SPACE LAND APP (RESORT CREEK)

<u>FundCode</u>	<u>GLCode</u>	<u>Description</u>	<u>Amount</u>
001	4634141040	CURRENT USE - OPEN SPACE	\$300.00
Total Amount:			\$300.00

Kittitas County Treasurer's Office

Submitted By: CHRISTINE GARCIA

## CHECKLIST FOR CURRENT USE OPEN SPACE LAND APPLICATION

1. Per RCW 84.34 and Kittitas County Resolution 2002-99 as they currently exist or may be hereafter revised:

A.) All applications for Open Space shall clearly state how the change in classification shall maintain, preserve, conserve and otherwise continue open space lands for the welfare and benefit of the general public per RCW 84.34.20(1). Open Space criteria must conform to one or more classifications listed on the application and be accompanied by a detailed description as to confirmation in that category. Notarized easement for public use may be required from applicant, upon acceptance, if legislative authority requires public access as a condition of approval.

**Kittitas County is in the process of establishing a Public Benefit Rating System for Open Space Land Applications.** Once such a system has been adopted, Kittitas County will revisit each application previously approved.

2. Within platted subdivisions, only those parcels that prohibit residential structures shall be eligible for Open Space land Classification per Kittitas County Resolution 2002-99.

3. All parcels per application must be contiguous and same ownership.

4. Owner(s) name, address and telephone number must be on application.

5. Property location must be completed.

6. Note interest in property (fee owner, contract purchaser, other-describe)

7. Complete Assessor's Parcel Number(s) must be listed on application.

8. Complete legal description is required. Attach separately, if necessary. Identify improvement site(s) that do not qualify for classification at the time of application or future site(s) that is to be excluded from application. Such site(s) must be a minimum size of one acre.

9. List total acres in application.

10. All owners must sign application.

11. Non-refundable application fee of \$300.00 is payable to Kittitas County Treasurer. Complete application and fees must be submitted to the Kittitas County Assessors' Office.

**For further information, please contact Kittitas County Commissioners, phone (509) 962-7508 or Kittitas County Assessor, phone (509) 962-7501, both located at 205 West 5th Ave, Ellensburg, Washington.**

RECEIVED  
JUL 18 2013  
MARSHA WEYAND  
KITTITAS COUNTY ASSESSOR



# Application for Classification or Reclassification Open Space Land Chapter 84.34 RCW

**File With The County Legislative Authority**

Name of Owner(s): Forterra (fee owner) Phone No: (206) 292-5907  
Email Address: info@forterra.org  
Address: 901 5<sup>th</sup> Avenue, Suite 2200, Seattle, WA 98164

Parcel Number(s): 384336, 394336, 915835  
Legal Description: **See attached "Exhibit A"**  
Total Acres in Application: 17.21

Indicate what category of open space this land will qualify for:

- Conserve or enhance natural, cultural, or scenic resources
- Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- Protect soil resources, unique or critical wildlife, or native plant habitat
- Promote conservation principles by example or by offering educational opportunities
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- Enhance recreation opportunities
- Preserve historic or archaeological sites
- Preserve visual quality along highway, road, street corridors, or scenic vistas
- Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority
- Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.  
Forterra is currently stewarding this property for wildlife habitat conservation.

2. Is the land subject to a lease or agreement which permits any other use than its present use?  Yes  No

If yes, attach a copy of the lease agreement.

3. Describe the present improvements (residence, buildings, etc.) located on the land.  
None

4. Is the land subject to any easements?  Yes  No

If yes, describe the type of easement, the easement restrictions, and the length of the easement. The WA Department of Natural Resources holds, in perpetuity, a conservation easement on this property. Prohibited activities under this easement include, but are not limited to, industrial, residential, and commercial uses and activities; subdivision of the property into smaller lots; road or pipeline construction; removal of trees or vegetation; livestock grazing; waste disposal; the use of herbicides, pesticides, or insecticides; the planting or introduction of non-native species; alteration of the land; the addition of structures or improvements; mining; agriculture; hunting; or the operation of motorized vehicles.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.  
N/A

**NOTICE:**

**The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.**

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

**Print the name of each owner:**

**Signature of each owner:**

Forterra - Teresa Macaluso



The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is

made.

**Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification**

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
  - (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
  - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes; plus
  - (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).
2. The additional tax, interest, and penalty specified in (1) shall not be imposed if removal resulted solely from:
  - (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
  - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
  - (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
  - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
  - (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.
  - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
  - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(f) (farm home site).
  - (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
  - (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
  - (j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.
  - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
  - (l) The discovery that the land was classified in error through no fault of the owner.

**FOR LEGISLATIVE AUTHORITY USE ONLY**

Date application received: \_\_\_\_\_

By: \_\_\_\_\_

Amount of processing fee collected: \$

- Is the land subject to a comprehensive land use plan adopted by a city or county?  Yes  No

If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county?  Yes  No

If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

If no, application must be acted upon by three members of the county legislative authority.

Application approved

In whole

In part

Application denied

Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.





# FORTERRA

## Open Space Classification Category Descriptions

Forterra's Resort Creek property  
Parcel #'s 384336, 394336, 915835

**Conserve or enhance natural, cultural, or scenic resources:** Forterra's Resort Creek properties are integral to the wildlife connectivity corridors along I-90, and are supported by the WA Department of Transportation through the I-90 Wildlife Corridor project. The property was acquired with Section 6 funding from the U.S. Fish and Wildlife Service to secure threatened and endangered fish and wildlife habitat and to protect critical wildlife corridors surrounding I-90. Forterra is managing the land to be preserved in its natural open space character and is actively stewarding the property to enhance fish and wildlife habitat and improve ecological function.

**Protect streams, stream corridors, wetlands, natural shorelines, or aquifers:** Resort Creek enters the properties at the north boundary of the property and flows south to Keechelus Lake. Conservation of Resort Creek and the surrounding headwaters will prevent degradation of water quality downstream and in Lake Keechelus.

**Protect soil resources, unique or critical wildlife, or native plant habitat:** The Resort Creek property is densely forested and undeveloped. Resort Creek is mostly gradually to moderately sloped (<30%) and situated on southwest and southeast aspects. The northwest corner of the property contains some areas up to 60% in slope. Elevations on the property range from 2,500 to 2,700 feet. The conserved status of the land prevents development, which would increase erosion and detract from the natural habitat. Additionally, recent use of Resort Creek by cutthroat and sculpin has been documented. This creek likely supports other resident fish species including three-spined stickleback, mountain whitefish, rainbow and brook trout, redbreast shiner, longnose and speckled dace, Northern pikeminnow, Western brook lamprey, and largescale sucker.

**Promote conservation principles by example or by offering educational opportunities:** Forterra promotes conservation principles on this property by reducing habitat fragmentation by minimizing barriers to wildlife movement and maintaining/restoring mature canopy cover; minimizing human disturbance and impacts to protect wildlife by allowing only limited public access for low-impact, non-motorized recreation, and preventing illegal activities on the property; restoring/maintaining Desired Future Conditions (DFC) for all vegetation types; reducing or eliminating noxious and invasive weeds with a goal of 100% eradication of noxious weeds and 80-100% eradication of other invasive weeds and prevention of new populations; managing bodies of water to protect water quality, improve fish habitat, reduce passage barriers, and reduce sediment delivery by removal or replacement of culverts that are fish passage barriers or provide ineffective drainage; maintaining and restoring stream habitats and vegetation influencing stream zones for maximum shade, litter inputs, and coarse woody debris recruitment; and by maintaining and protecting key soil properties by minimizing erosion, compaction and displacement from management and other human activities.

Forterra also offers educational opportunities on this property, including a volunteer Land Steward program which is designed to educate and train volunteers who assist in the care and stewardship of our properties. Forterra also leads occasional guided hikes on the Resort Creek property.

**Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces:** The Resort Creek Property is bordered by National Forest to the north and private non-industrial lands to the east and west. Resort Creek also abuts land conserved by the Washington Department of Transportation to enhance the effectiveness of this wildlife preservation area in the I-90 Wildlife Corridor.

## EXHIBIT "A"

### PARCEL 1:

A portion of the Northwest quarter of Section 1, Township 21 North, Range 11 East, W.M., Kittitas County, Washington which is bounded by a line described as follows:  
Beginning at the Northeast corner of said Northwest quarter;  
Thence North 89°48'25" West, along the North boundary of said Northwest quarter, 1833.96 feet to the true point of beginning;  
Thence South 43°28'41" West, 550.08 feet;  
Thence South 65°06'35" East, 438.42 feet;  
Thence South 83°25'13" East, 144.16 feet;  
Thence South 81°52'43" East, 85.27 feet;  
Thence North 82°46'32" East, 229.83 feet;  
Thence North 12°04'02" East, 119.46 feet;  
Thence North 46°58'23" West, 683.70 feet to the true point of beginning.

EXCEPT the right-of-way boundary of the Sunset Highway.

### Parcel 2:

A portion of the Northwest quarter of Section 1, Township 21 North, Range 11 East, W.M., Kittitas County, Washington;  
Beginning at the Northeast corner of said Northwest quarter;  
Thence North 85°48'25" West, along the North boundary of said Northwest quarter 1143.49 feet to the true point of beginning;  
Thence North 89°48'25" West 690 feet;  
Thence South 46°58'23" East, 683.70 feet;  
Thence South 12°04'02" West, 119.46 feet;  
Thence South 79°08'58" East, 273.78 feet;  
Thence South 65°13'13" East, 212.12 feet;  
Thence North 13°49'00" West, 762.20 feet to the true point of beginning.

EXCEPT the right of way of Sunset Highway.

### Parcel 3:

The West half of the Northeast quarter of the Northwest ¼ of Section 1, Township 21 North, Range 11 East, W.M., in the County of Kittitas, State of Washington, EXCEPT:

That portion thereof conveyed to the United States of America for purposes of reservoir, by deed dated July 15, 1916, recorded in Book 31 of Deeds, page 295;  
That portion of the Southwest ¼ of the Northeast ¼ of the Northwest ¼ which lies West of the Westerly boundary line of State Road No. 7 (now abandoned);  
A strip of land 100 feet in width across the Northwest ¼ of the Northeast ¼ of the Northwest ¼ and the Northwest ¼ of the Northwest ¼, conveyed to the State of Washington by deed dated May 31, 1927, recorded in Book 45 of Deeds, page 527;  
A strip of land being all that portion of said tract lying and being Southerly and Southwesterly of the center line of the then existing State Road No. 2, Snoqualmie Pass to Easton.

ALSO EXCEPTING A portion of the Northwest quarter of Section 1, Township 21 North, Range 11 East, W.M., Kittitas County, Washington;  
Beginning at the Northeast corner of said Northwest quarter;  
Thence North 85°48'25" West, along the North boundary of said Northwest quarter 1143.49 feet to the true point of beginning;  
Thence North 89°48'25" West 690 feet;  
Thence South 46°58'23" East, 683.70 feet;  
Thence South 12°04'02" West, 119.46 feet;  
Thence South 79°08'58" East, 273.78 feet;  
Thence South 65°13'13" East, 212.12 feet;  
Thence North 13°49'00" West, 762.20 feet to the true point of beginning.

EXCEPT the right of way of Sunset Highway.

AND EXCEPT any portion that may be lying within the following described Parcel:

That portion of the East half of the Northeast quarter of the Northwest quarter and of the Northeast quarter of Section 1, Township 21 North, Range 11 East, W.M., records of Kittitas County, State of Washington, described as follows:

Beginning at the Northwest **corner** of said Section 1;  
Thence South 89°48'25" East, 1,975.47 feet to the true point of beginning;  
Thence South 89°48'25" East, 658.49 feet;  
Thence South 19°04'36" West, 1,377.70 feet;  
Thence North 39°54'59" West, 330.00 feet;  
Thence North 00°11'35" East, 1,051.16 feet to the true point of beginning.

(Also know as A-1 as set forth in survey recorded October 30, 1981 in Volume 9 of Surveys, page 68, Kittitas County Auditor's File NO. 456799).

EXCEPTING therefrom that portion of the above described Parcel lying Southwesterly of the following described line:

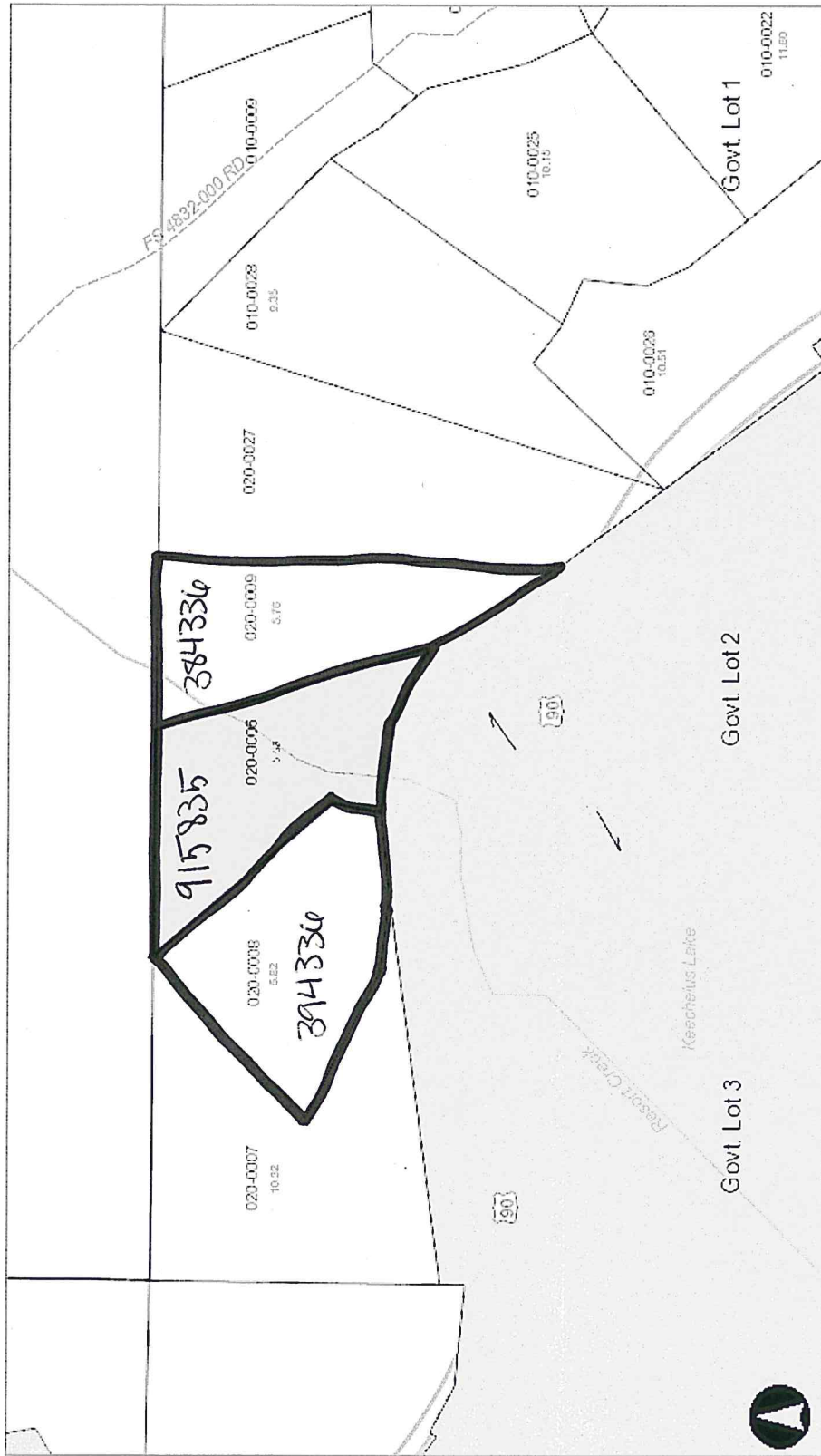
Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 1431+50 on the SR 90 line survey of SR 90, Hyak to Keechelus Dam and 235 feet Northeasterly therefrom;  
Thence Southeasterly parallel with said line survey to a point opposite HES 1441+49.46 and the end of this line description.

Parcel 4:

An easement for ingress, egress and utilities as established by that certain instrument dated August 30, 1977, and recorded March 17, 1978, under Auditor's File Number 420962

**Abbreviated Legal:** Ptn of Section 1, Township 21 North, Range 11 East, W.M

# Forterra - Resort Creek Properties - 394336, 915835, 384336



Map Center: Township:21 Range:11 Section:1

**Kittitas County Disclaimer**  
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.



Forterra – Resort Creek Properties

Parcel # 394336



Forterra – Resort Creek Properties

Parcel # 915835





Forterra - Resort Creek Properties

Parcel # 384336



18420

To: KITTITAS COUNTY TREASURE 7/15/2013

RTERRA

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
062113	6/21/2013	6/13 APPLICATION OPEN SPACE RESORT CREE	\$300.00	\$0.00	\$300.00
		<b>Totals:</b>	<b>\$300.00</b>	<b>\$0.00</b>	<b>\$300.00</b>