



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

OC-10-00010 BRUNSON OPEN SPACE CURRENT USE APPLICATION STAFF REPORT

TO: Kittitas County Planning Commission
FROM: Jeff Watson, GIS Technician/ Planner II
DATE: August 16, 2011
SUBJECT: Brunson Open Space Current Use Application (OC-10-00010)

I. GENERAL INFORMATION

Proposal: On December 29, 2010 Beth Brunson submitted an application for classification or reclassification as open space land or timber land for current use assessment under Chapter 84.34 RCW involving one tax parcel totaling 27.15 acres. The application has been reviewed by Assessor staff for ownership, parcel numbers, and legal descriptions, and Community Development Services staff for land use and critical areas assessment.

Location: The subject property is located at the end of Nanuem Road, approximately 8.8 miles northeast of the City of Ellensburg at the base of the foothills in the mouth of Naneum Canyon in a portion of section 20, township 19, range 19, WM, in Kittitas County; Assessor's map number 19-19-20000-0005, parcel identification number 098334.

II. SITE INFORMATION

Site Characteristics: Utilizing Aerial Photography, analysis indicates the site is partially wooded with deciduous trees and undergrowth. Assessor's records indicate that there are no improvements to the property. The topography is gently sloped from north to south approximately 65 feet vertically over the roughly 2,080 foot length of the parcel. Critical areas review indicates that the parcel contains extensive 100 year floodplain which corresponds to the confluence of Wilson and Naneum creeks. Approximately 14 acres of the parcel are encumbered by Bonneville Power Administration restrictions from purchased right of way; the assessment of the property value duly reflects the physical and legal restrictions on development.

III. RECOMMENDATION

The application as submitted is requesting classification as open space for current use. Justification for this proposed designation by the applicant is based on the following criteria listed in RCW 84.34.020

- (b) any land area, the preservation of which in its present use would*
(i) conserve and enhance natural or scenic resources, or

Kittitas County ordinance 1994-025 stipulates that applications "... based on conservation or enhancement of natural resources must meet at least one of the following: .

- (1) Geologically significant rock formations that may be appropriate for educational study.*
- (2) Archeological sites that are registered with the state of Washington and protected.*
- (3) Game preserves and nesting grounds as agreed by the state of Washington Department of wildlife. (Public access may be controlled. Hunting and fishing may be denied.)*

This application's narrative does not indicate that any of these criteria have been met. Washington State DAHP shows no archaeological sites in their data base. The site is identified in the Priority Habitat Species data set as "Ellensburg Mule Deer Winter Range", but no indication was given that WDFW has any designation for game preserves or nesting grounds.

(ii) protect streams or water supply, or

Kittitas County ordinance 1994-025 stipulates that applications "... for open space on protection of streams and meet at least one of the following:

- (1) Preservation or protection of major drainage ways (major drainage ways being defined as the areas where feeder streams intersect with major streams) flowing directly into streams of 20 C.F.S. or more.*
- (2) Tracts continuous to or straddling major streams flowing at a rate of 20 C. F.S. or more.*
- (3) Significant aquifer recharge areas and areas of significant springs identified as water resources."*

Stream flow data for Kittitas County is limited, but the criterion for Shorelines of the State is set at 20 cubic feet per second. Wilson and Naneum creeks are not designated as such in this area. Kittitas County Code title 17A.08.010 *Designation of aquifer recharge areas* states that "No critical aquifer recharge locations have been identified in Kittitas County."

(iii) promote conservation of soils, wetlands, beaches or tidal marshes,

PLANNER'S NOTE: THIS CRITERION BOX WAS NOT CHECKED BY THE APPLICANT IN THE APPLICATION. STAFF ASSUMED THAT POSSESSING THE KNOWLEDGE THAT THE OUTCOME OF THE APPLICATION WOULD BE DRAMATICALLY AFFECTED BY THIS ANALYSIS THE APPLICANT WOULD HAVE WANTED IT REVIEWED.

Kittitas County ordinance 1994-025 stipulates that applications "... will be restricted to at least one of the following:

- (1) Tracts with 25% or greater slope on at least 50% of the tracts or where there is physical evidence of erosion.*
 - (a) Applications for this category shall be accompanied with a conservation plan prepared by the Soil Conservation Service including implementation program for the plan. (Failure to implement the plan in a timely manner will be cause for removal from the Open Space category and subject to penalties under RCW 84.34.)*
- (2) Tracts within the 100 year flood plain.*
- (3) Tracts where commercial development would destroy the natural cover and could result in erosion, loss of natural habitat and> such action would result in damage to adjacent property.*

The parcel indicated in this application contains approximately 4.4 acres of property delineated as Zone A of the 100 year floodplain in FIRM panel 5300950435B.

Based on the criteria qualifications (iii), staff recommends approval of the application and designation as open space current use classification.

Open Space Current Use Preliminary Submittal Requirements For:

OC-10-00010 Brunson

Date Received: December 29, 2010

Review Date: August 16, 2011

Map Number: 19-19-20000-0005 Parcel Number: 098334 Acres Recorded: 27.15

Planner: Jeff Watson Zoning: Forest and Range

Conforms to the county comprehensive plan and all zoning regulations

Located within Fire District

Located within Irrigation District

School District

In UGA

Critical Areas

Yes **No** **Within a Shoreline of the State** **Environment:**

Yes **No** **Within a FIRM Floodplain** **Panel #:**

Yes **No** **Within a PHS Habitat** **Habitat Type:**

Yes **No** **Wetland in Parcel** **Wetland Type:**

Yes **No** **Seismic Rating** **Category:**

Yes **No** **Within Coal Mine Area**

Yes **No** **Hazardous Slope in Parcel** **Category:**

Yes **No** **Airport Zones within Parcel** **Zone:**

Yes **No** **Adjacent to Forest Service Road** **Road:**

Yes **No** **Adjacent to BPA Lines or Easement**

Yes **No** **Within 1000' of Mineral Land of LTS**

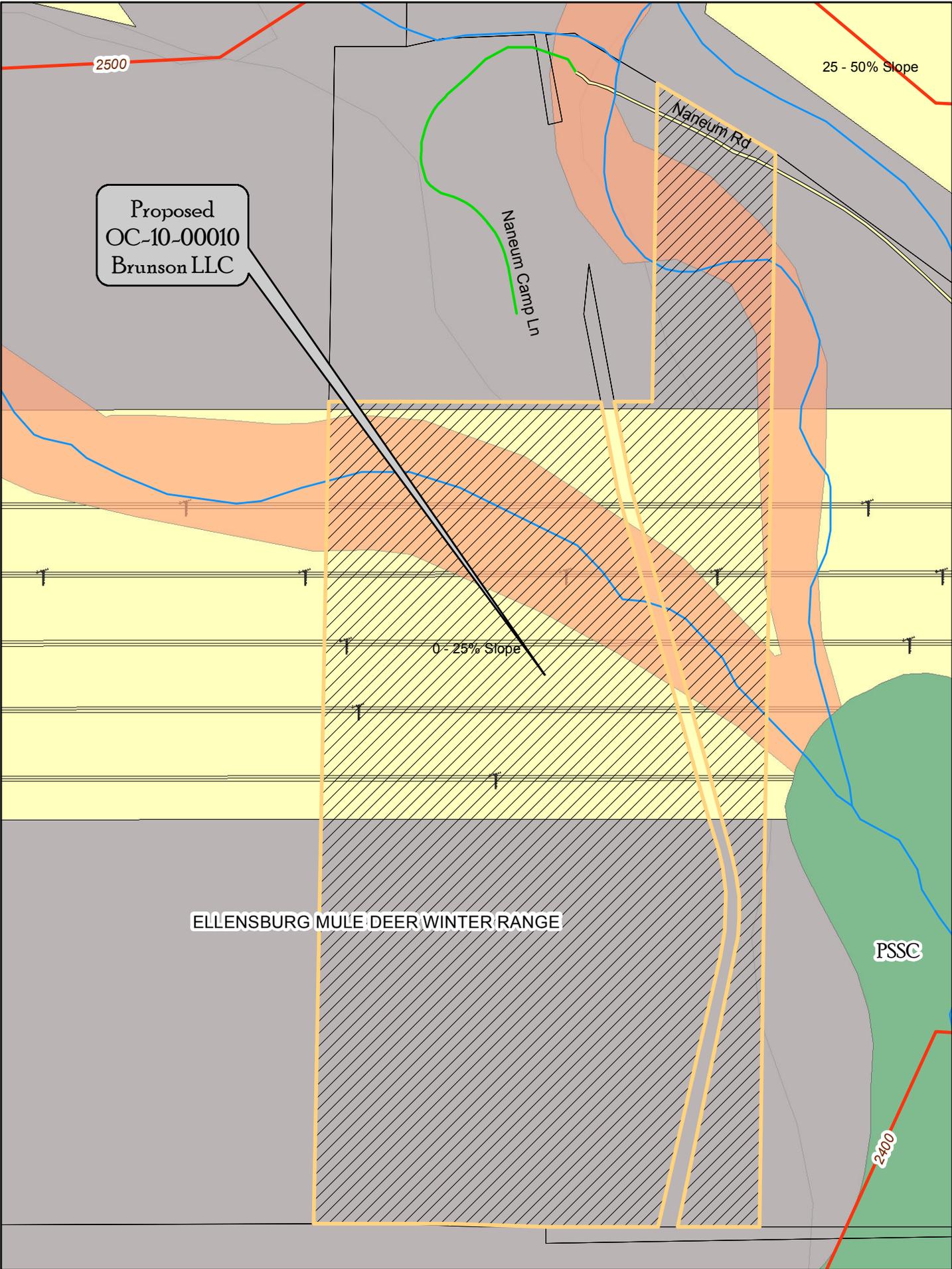
Yes **No** **Within Landslide Area**

Proposed
OC-10-00010
Brunson LLC

Naneum Camp Ln

Naneum Rd





2500

25 - 50% Slope

Proposed
OC-10-00010
Brunson LLC

Naneum Rd

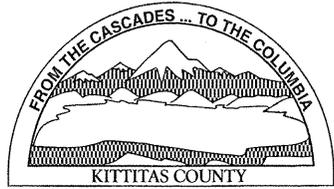
Naneum Camp Ln

0 - 25% Slope

ELLENSBURG MULE DEER WINTER RANGE

PSSC

2400



MARSHA WEYAND, ASSESSOR

Kittitas County Assessor

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

MEMO

TO: Jeff Watson, Public Works
Mandy Robinson, BOCC

FROM: Christy Garcia, Assessor's Office

DATE: December 30, 2010

RE: Current Use Open Space Land Application: *Beth Brunson*

I have reviewed the applications for Current Use Open Space for Beth Brunson and have not found any needed corrections to the Ownership record, Parcel numbers or legal descriptions.

Christy



Application for Classification or Reclassification as Open Space Land or Timber Land for Current Use Assessment under Chapter 84.34 RCW

File With The County Legislative Authority

Name of Applicant: Beth A. Brunson Phone No: 509.962.3997
 Address: 110 Naneum Camp Lane
 Property Location: 098334 and 15398 (end of naneum rd)

1. Interest in property: Fee owner Contract purchaser Other (Describe) _____

2. Assessor's Parcel or Account No.: 098334 and 15398
 Legal description of land to be classified: see attached

3. Land classification that is being sought: Open Space Timber Land
 NOTE: A single application may be made for both open space and timber land, but a separate legal description must be furnished for each area that classification is being sought.

4. Total acres in application: 27.42

5. Open Space Classification Number of acres: 27.42

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

- Conserve and enhance natural or scenic resources
- Protect streams or water supply
- Promote conservation of soils, wetlands, beaches or tidal marshes
- Enhance public recreation opportunities
- Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space
- Preserve historic sites
- Preserve visual quality along highway, road, and street corridors or scenic vistas
- Retain in natural state tracts of one (1) or more acres in urban areas and open to public use as reasonably required by granting authority
- Farm and agricultural conservation land as defined in RCW 84.34.020(8)

7. Timber Land Classification

Number of acres: _____

Definition: "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. "Timber land" means land only and does not include a residential home site. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

A timber management plan shall be filed with the county legislative authority either (a) when an application for classification as timber land pursuant to this chapter is submitted; (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed; or (c) within sixty days of the date the application for reclassification under this chapter is received. The application for reclassification will be accepted but not processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification shall be denied. If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance shall be denied.

8. Submit a copy of your timber management plan with this application.

A timber management plan will include the following elements:

- a) a legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified or reclassified as timber land,
- b) date or dates of acquisition of the land,
- c) a brief description of timber, or if harvested, the owners plan for restocking,
- d) whether there is a forest management plan for the land,
- e) if so, the nature and extent of implementation of the plan,
- f) if land is used for grazing,
- g) whether the land has been subdivided or a plat filed with respect to the land,
- h) whether land and applicant are in compliance with restocking, forest management, fire protection, insect and disease control, etc.,
- i) whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610,
- j) whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber,
- k) a summary of past experience and activity of the applicant in growing and harvesting timber,
- l) a summary of current and continuing activity of the applicant in growing and harvesting timber,
- m) a statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land

9. Describe the present improvements on this property (buildings, etc.). _____

10. Is this 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.

NOTICE: The assessor may require owners to submit pertinent data regarding the use of classified land.

Open Space Land Means:

(a) Any land area so designated by a comprehensive land use plan adopted by a city or county authority, or

(b) Any land area, in which the preservation in its present use would:

(i) Conserve and enhance natural or scenic resources,

(ii) Protect streams or water supply,

(iii) Promote conservation of soils, wetlands, beaches or tidal marshes,

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space,

(v) Enhance recreation opportunities,

(vi) Preserve historic sites,

(vii) Preserve visual quality along highway, road, and street corridor or scenic vistas, or

(viii) 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.

(c) Or, any land meeting the definition of "farm and agricultural conservation land".

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" or "Timber 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.

(c) A penalty of 20% shall 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 process, or except as a result of those conditions listed in (2) below.

2. The additional tax, interest, and penalty specified in (1) above 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)(e) (farm homesite).
- (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.

Affirmation

As owner(s) of the land described in this application, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under provisions of Chapter 84.34 RCW. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct, and complete statement.

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).

Signatures of all Owner(s) or Contract Purchaser(s):

Beth Burn _____

All owners and purchasers must sign.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: _____ By: _____
 Amount of processing fee collected: \$ _____ Transmitted to: _____ Date: _____

FOR GRANTING AUTHORITY USE ONLY

Date received: _____ By: _____
 Application approved Approved in part Denied Owner notified of denial on: _____
 Agreement executed on: _____ Mailed on: _____

For tax assistance, visit dor.wa.gov/content/taxes/property/default.aspx or call 1-800-647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

Beth Brunson (owner)
110 Naneum camp Lane
Ellensburg, WA. 98926
509-962-3997

Parcel # 15398 & 098334

098334

Legal description:

27.15, CD. 10671; SEC. 20, TWP. 19, RGE. 19; NE1/4 SE1/4 TAX 5 s. of CO. RD. & SE1/4 SE1/4 TAX 4; PTN. W1/2 SE1/4; less 2@ CO. RD. (must be sold with 19-19-29000-0026)

Property description and location: 27.16 acres situated at the mouth of Naneum Canyon north of Ellensburg. Wilson creek runs through the lower portion of this property, and Naneum creek runs through a small portion of the property. There are cottonwood, as well as poplar, and aspen trees lining the creeks and 5 sets of BPA lines that cross the majority of the property. The remainder of the property consist of rocks, sagebrush, chokecherry, Oregon grape, elderberry bushes, balsam root and other prairie type vegetation.

Property use:

This property is used for the purpose of wildlife habitat only. This property is home to a wide variety of wildlife: from the larger bears, elk, deer, cougars and bobcats to the smaller ones including coyotes, raccoons, rabbits, marmots, mice and rattlesnakes. The property is also home to many birds. Eagles, vultures, owls, ruff grouse, doves, quail and an unlimited amount of smaller variety including nesting hummingbirds.

We make every effort to respect and protect this habitat for the animals and birds.

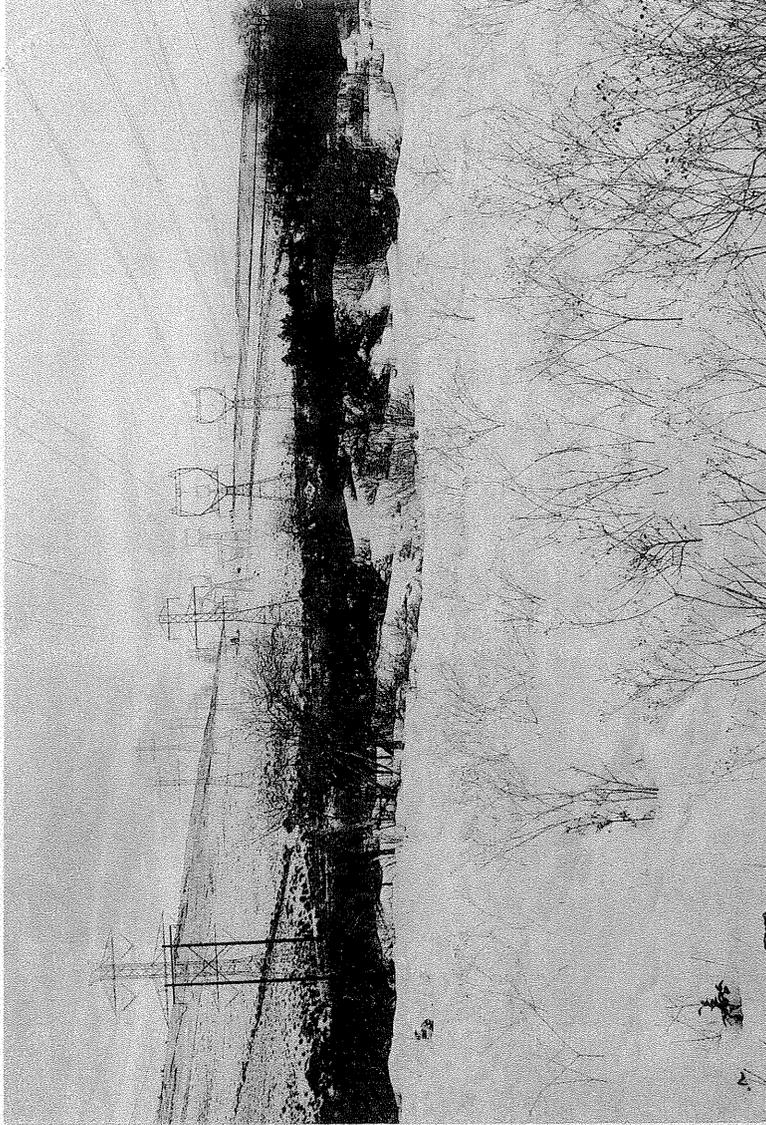
As needed we have pastured the property for a short time (2-3 wks) to reduce wildfire danger, this is done late spring, to ensure re-growth for fall and winter habitat.. There is no irrigation on this property.

We only use motorized vehicles when necessary and are upgrading fencing to the new Montana style fencing which is more animal friendly. We also continue to purchase shrubs and trees from the conservation corp. for yearly planting as well as weed control. This property has been in our family (Henderson) since 1954 and has changed very little, with the exception of the addition of parcel # 15398 which was added in 1999 and must be sold with parcel # 098334 .
#15398

Legal description:

.27, CD. 10688-1; SEC. 29, TWP. 19, RGE. 19; PTN. N1/2 NE1/4 (must be sold with 19-19-20000-0005)

Property description and location: .27 acres situated along side the above property. This property was purchased due to a survey oversight and must be sold with the above parcel.





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 Receipts

Receipt Number: 2010-9211 Date: 12/29/2010

Received From: BETH BRUNSON - CHRISITNE - CHRISTINE

Check Amount: \$300.00

Cash Amount: \$0.00

Eft Amount: \$0.00

Total Amount: \$300.00

Deputy: FAYTHEM Receipt Type: CHK

Template:

Comments:

CURRENT USE OPEN SPACE APPLICATION FOR PARCELS 098334 & 15398
CHECK NO. 8888 CSR 2010-5876

<u>FundCode</u>	<u>GI Code</u>	<u>Description</u>	<u>Amount</u>
001	3134141010	OPEN SPACE PROCESSING FESS	\$300.00
Total Amount:			\$300.00

Kittitas County Treasurer's Office

Submitted By: FAYTHE MOORE



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: 2010-5876

Date: 12/29/2010

Received From: BETH BRUNSON

Check Amount: \$300.00

Cash Amount: \$0.00

Eft Amount: \$0.00

Total Amount: \$300.00

Deputy: CHRISTINEG Receipt Type: CHK

Template: SPECIAL USE AP| SPECIAL USE APPLICATION

Comments:

CURRENT USE OPEN SPACE APPLICATION FOR PARCELS 098334 & 15398
CHECK NO. 8888

<u>FundCode</u>	<u>GLCode</u>	<u>Description</u>	<u>Amount</u>
001	3134141010	OPEN SPACE PROCESSING FESS	\$300.00
Total Amount:			\$300.00

Kittitas County Treasurer's Office

Submitted By: CHRISTINE GARCIA