



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## OC-13-00002 GOLD CREEK OPEN SPACE CURRENT USE APPLICATION STAFF REPORT

**TO:** Kittitas County Board of County Commissioners  
**FROM:** Jeff Watson, Staff Planner  
**DATE:** April 1, 2014  
**SUBJECT:** Gold Creek Open Space Current Use Application (OC-13-00002)

### I. GENERAL INFORMATION

**Proposal:** On July 18, 2013 Darcy Whitney, Authorized Agent for Forterra, submitted an application for classification or reclassification as open space land or timber land for current use assessment under Chapter 84.34 RCW. 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 approximately 2 miles southeast of the top of Snoqualmie Pass at 189 Snowshoe Lane.

### II. SITE INFORMATION

**Site Characteristics:** Utilizing Aerial Photography, analysis indicates the site is predominately wooded with deciduous undergrowth and coniferous forest. The Parcel is bounded on the north and the west by Gold Creek. There are no improvements on the parcel. The topography has a steady rise from south to north for a total elevation gain of approximately 5 meters (16.5 feet). A Critical areas review indicates that the bulk of the property is in zone A of the FIRM floodplain (100 year; Panel 5300950050B). Gold Creek is not currently a shoreline of the state, but is designated as such in the proposed Master Shoreline Plan Update; with this section being delineated "Natural". There are R3USC (Riverine) and PSSC (Freshwater Forested/Shrub) wetlands on the subject property. The parcel is zoned Rural 5 and was created via short plat in 1994. The parcel is burdened with a conservation easement which prevents development of any kind. The Assessor's office indicates that the resulting tax shift if open space current use status is granted to this parcel would be approximately \$1200 annually.

### III. CRITERIA ANALYSIS

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.

*(i) conserve or enhance natural, cultural, or scenic resources*

Kittitas County ordinance 1994-025 stipulates that "Applications for Open Space classification 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.)*

**In their narrative the applicant asserts that:**

*“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. 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 1-90. Forterra's stewardship department regularly monitors the property to control invasive weeds, deter misuse, and plan for any enhancement projects necessary.”*

**If in fact the property was acquired through U.S. Fish and Wildlife funding staff believes that the parcel would qualify by extension under condition 3 above “Game Preserves”.**

*(ii) protect streams or water supply,*

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.”*

**In their narrative the applicant asserts that:**

*“Gold Creek flows through the northwest portion of the property. It is an active waterway that flows out of a deep mountain valley and forms a broad floodplain of gravel and sand deposits along a braided streambed with high ecological function. This area of the property is also within the 100 year floodplain. Conservation of Gold Creek and the surrounding headwaters will prevent degradation of water quality in downstream wetlands and the Yakima River.”*

**The parcel is contiguous to Gold Creek; this stream does not currently fall under the provisions of the Shoreline Master Program, but is slated for incorporation under the SMP update which would make it by definition a “...major streams flowing at a rate of 20 C. F.S. or more”.**

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

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.*

**In their narrative the applicant asserts that:**

*“The parcel is flat and occurs on the glacial outwash plain toward the head of the valley and along Gold Creek. There is documented use of this property by one Federally-listed species (bull trout). The conserved status of the land prevents development of cabins or other impervious surfaces which would increase erosion and detract from the natural habitat.”*

**The parcel indicated in this application contains approximately 4 acres of property delineated as Zone A of the 100 year floodplain in FIRM panel 5300950050B.**

*(iv) promote conservation principles by example or by offering educational opportunities,*

**In their narrative the applicant asserts that:**

*“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 wildlife by allowing only limited public access for low-impact, non-motorized recreation, and preventing illegal activities on the property; protecting and enhancing unique plant communities such as wetland, ponderosa pine/bunchgrass, aspen and other hardwood plant communities; 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.”*

Criteria language has evolved some over the course of the last 22 years. Kittitas County ordinance 1994-025 does not specifically address this criterion. Forterra has established itself as a reputable conservation organization; the justifications outlined above appear to apply to this parcel and situation.

*(v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces,*

**In their narrative the applicant asserts that:**

*“Forterra's conservation and open access to the property improves the open space connectivity in an area of the central Cascades prone to the checkerboard ownership pattern of public and private lands. The parcel's situation near the Gold Creek Pond natural area improves recreational access. The property is bordered by both state land and the Wenatchee National Forest to the west and Wenatchee National Forest and Gold Creek Pond to the south. To the north the property abuts land conserved by the Washington Department of Transportation to enhance the effectiveness of this wildlife preservation area for a wildlife crossing structure to be built on I-90.”*

Kittitas County ordinance 1994-025 does not specifically address this criterion. The property is bounded on the west and on the south by parcels contained in the Wenatchee National Forest. The parcel directly to the north is owned by the Washington State Department of Transportation.

#### **IV. RECOMMENDATION**

RCW 84.34.037 provides guidance to legislative authorities for the review of Open Space Current Use applications. The entire section of that RCW was included in the file; the relevant provisions to this application are outlined below:

*(2) In determining whether an application made for classification or reclassification under RCW [84.34.020\(1\)](#) (b) and (c) should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider*

*(a) The resulting revenue loss or tax shift;*

*(b) Whether granting the application for land applying under RCW [84.34.020\(1\)\(b\)](#) will*

*(i) conserve or enhance natural, cultural, or scenic resources,*

*(ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers,*

*(iii) protect soil resources and unique or critical wildlife and native plant habitat,*

*(iv) promote conservation principles by example or by offering educational opportunities,*

*(v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces,*

*(vi) enhance recreation opportunities,*

*(vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road,*

*and street corridors or scenic vistas,  
(ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and...*

*(4) The granting authority may approve the application with respect to only part of the land which is the subject of the application. If any part of the application is denied, the applicant may withdraw the entire application. The granting authority in approving in part or whole an application for land classified or reclassified pursuant to RCW [84.34.020](#)(1) may also require that certain conditions be met, including but not limited to the granting of easements.*

*As a condition of granting open space classification, the legislative body may not require public access on land classified under RCW [84.34.020](#)(1)(b)(iii) for the purpose of promoting conservation of wetlands.*

*(5) The granting or denial of the application for current use classification or reclassification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.*

**Based on the general criterion laid out in RCW 84.34 (“b” above), the parcel is eligible for consideration. There is a Conservation Easement in place on this parcel which precludes development of any kind. There is no potential for a change of use for this parcel in perpetuity; tax rates should reflect that. According to the Assessor’s office, the tax burden shift for this parcel would be approximately \$1200 per year. This burden would be carried by other members of tax district 37. There are currently 129 parcels in the district; the net increase per parcel would be approximately \$9.30 per year. Staff recommends approval of OC-13-00002 Gold Creek.**

## **V. PLANNING COMMISSION HEARING**

On February 11, 2014 the Kittitas County Planning Commission held an open record public hearing to provide the BOCC with a recommendation regarding the Gold Creek Open Space application. After a presentation by staff and a brief statement from the applicant the Commission voted 7-0 to recommend approval of OC-13-00002.