



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: SWAUK PINES LLC Phone No: 509 857 2355
 Address: 3942 Hidden Valley Rd Cle Elum WA 98922
 Property Location: T20 R17 Section 33

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

2. Assessor's Parcel or Account No.: See Attached
 Legal description of land to be classified: See Exh 'A'

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: 71

5. **Open Space Classification** Number of acres: 28.4

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: 42.6

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.). none

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.

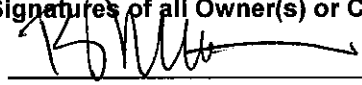
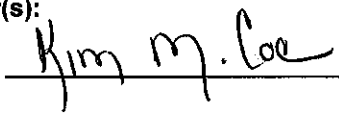
- (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
- (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present 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):

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.

Open Space/Timber Land Application

Swauk Pines LLC

Parcel Numbers 16565, 16564, 953887,16563,953886,17787,14083

Contact: Bruce or Kim Coe

509 857 2355

509 306 9316

3942 Hidden Valley Road

Cle Elum, Washington 98922

December 20, 2010

Overview: The Swauk Valley/Hidden Valley Area.

The Hidden Valley area has been populated since the late 1860's. The area known as Hidden valley ranch was first permanently settled by James Evans in 1868. Since then the land in the Swauk Valley (also known as Hidden Valley) has stayed predominantly in large lot configurations, even the development that has occurred has included conservation easements and large open space reservations or developments that utilize cluster or MPR zoning to preserve viewshed and open space. The inclusion of the proposed land into open space and Timber land will continue this pattern of land use. The preclusion of building and intensive development associated with the Open Space Act serves as a buffer to further development and any possible future degradation of what has been a special part of Kittitas County for over 130 years.

The Swauk Pines LLC property is located on side hills and the bottom land in the Swauk Creek Valley in Section 32, Township 20, Range 17. It is moderately forested, and contains parcels that were segregated using the old exempt segregation process. The parcels are contiguous. There are no buildings on any of the parcels.

The parcels are governed by a set of CCR's administered by the Swauk Pines Homeowner's association. Additionally parcel # 17787 is in a conservation easement and is governed by a conservation agreement between the owners (Swauk Pines LLC, heirs to Hidden Valley Guest Ranch) and the Cascade Land Conservancy. A copy of that conservation agreement is with the Kittitas County Assessors.

Zoning Code compliance

The land is currently zoned AG-3 KCC 17.28.010 states that the purpose and intent of land in the AG-3 zone is "... to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein.

A quick look at the accompanying maps shows the incursion of 3+ acre lot developments to the west of the Swauk Valley/Hidden Valley area over the last few years encroaching on the larger lots still existing in the Hidden Valley Area. The inclusion of the proposed parcels into the Open Space Taxation program will serve as a buffer between the more intensive development in the Swauk Prairie and the more sensitive areas in the Swauk Valley/Hidden Valley watershed. A planned unit cluster development to the north reinforces the concepts of providing open space and habitat maintenance in the Swauk watercourse.

Comprehensive Plan Compatibility

The Kittitas county Comprehensive Plan provides many goals that support the designation of land in the Swauk Valley/Hidden Valley area into the Open Space/Timber Lands designations. Some supportive GPOs from several different Comprehensive Plan categories are as follows:

GPO 2.30 Conservation: It is a goal of our County to encourage sound management of renewable shoreline resources and that non-renewable shoreline resources be preserved to the greatest extent feasible.

GPO 2.62 Kittitas County should give positive tax incentives to private property owners who maintain, reclaim, or enhance class I, II, III, and IV wetlands.

GPO 8.27 Kittitas County should cooperate in sound voluntary farm conservation or preservation plans.

GPO 2.42 Forest Management: "...Wetlands play a significant role in the reduction of water pollution, erosion, siltation, flooding, and provide significant wildlife, fisheries, and plant habitats; and their destruction or impairment may result in increased public and private costs or property losses.

GPO 8.36 Kittitas County should support and encourage the maintenance of Timber lands in timber and current use property tax classifications consistent with RCW 84.28, 84.33, and 84.34.

Water, the Swauk Sub Basin, wetlands

The lands proposed for designation contain wetlands in the Class I, Class II and Class III categories as a part of the Swauk Creek wetlands complex. Portions of the valley serve as floodplain in extreme rainfall years, and the stream morphology is healthy and consistently changing within its watercourse.

The Swauk Creek and its associated valley is considered a sub basin for the purposes of the Acquavella water rights adjudication process. All of the riparian water rights in the Swauk sub basin are senior rights, most of the tax parcels proposed for Open Space/Timber Lands designation have water rights appurtenant to some or all of the land in the parcel.

Geology and Natural History

The Swauk Valley is an area of interest from both a Natural History and a geological perspective. Physically it stands as the boundary between the Columbia volcanic flows to the east and the glacial/prairie/loess formations to the west. The Teanaway Glaciers literally butted up against the Basalt over the years in the last ice age, leaving impounded lakes, glacial moraine and the usual terminal formations caused by glacial activity. The actual protrusion that the residences and old guest ranch rest on are an anomaly to most geologists.

Soils are of the Teanaway-Swauk-Qualla complex and are described in the USDA Soil Survey of Kittitas County:

"Soils that support rangeland to dry forestland vegetation

This map unit is in the central part of the survey, near the Swauk Prairie area. The soils are strongly sloping to steep. Elevation is 1,600 to 3,600 feet. The mean annual precipitation is 15 to 40 inches, the mean annual air

temperature is about 46 degrees F, and the frost-free period is 80 to 140 days. This map unit makes up 3 percent of the survey area. The Teanaway soils are very deep. They formed in loess over glacial till or outwash with an influence of volcanic ash in the upper part. They are on mountain slopes, terraces, and terrace escarpments. The mean annual precipitation is about 30 inches. The Swauk soils are moderately deep to dense till. They formed in glacial till with loess in the upper part. They are on moraines. The mean annual precipitation is about 16 inches. The Qualla soils are very deep. They formed in glacial till with loess in the upper part. They are on moraines. The mean annual precipitation is about 17 inches. Of minor extent are Dystroxerepts and Elk heights, Hardmauk, Mippon, Myzel, Patnish, and Quicksell soils. This map unit is used for timber production, livestock grazing, irrigated crop production, and wildlife habitat.”

Because of the proximity of two distinct geological processes, the sum effects of geological activities over time have been compressed in this area, it is literally the border between the Teanaway/Swauk Prairie glacial formations and the basaltic Shrub Steppe areas to the east.

Conclusion

The Swauk Valley/Hidden Valley area extending from US Highway 97 south to its confluence with the Yakima River is at this point all in either open space or in some form of conservation easement. The MPR to the north of the proposed land is in open space as an overlay to the successful approval of their MPR application. The successful application for Open Space/Timber land designation will complete the conservation of the Swauk Creek Valley/Hidden Valley and preserve the scenic beauty and provide public benefit by maintaining the natural aspects of the valley. A significant public benefit will result from the inclusion of these parcels into the provisions of the Open Spaces Taxation Act.

Specific categories for classifications

Does the classification of the parcels:

Conserve and enhance natural or scenic resources?

As pointed out above, the natural beauty and scenic attributes of the Swauk Valley/Hidden valley are unique in Kittitas County due to the close proximity of glacial/igneous processes. The result is a valley that meanders through moraine and basalt through cliffs and hills that range from vertical to steeply graded with necklace valleys below. Designation will preserve and protect these beautiful features.

Protect streams or water supplies?

The areas under consideration for inclusion are all in the Swauk Drainage and any conservation and preservation efforts will undoubtedly protect valuable stream and watershed assets.

Promote conservation of soils, wetlands, beaches or tidal marshes?

Preserving the traditional low impact land uses of the parcels will protect the Soils and wetlands of the Swauk Valley/Hidden Valley area. There are no beaches or tidally influenced areas within the parcels intended for designation.

Enhance public recreation opportunities?

Public Recreation will be limited to bona fide educational activities as a part of a class offered by an accredited institution, and group based (bird watching clubs etc) activities that are:

Not in violation of the terms and conditions of the Conservation Agreement filed with the Kittitas County Auditors Office executed by Hidden Valley Ranch and the Cascade Land Conservancy.

Properly insured and able to indemnify the landowners from any potential litigation.

Not in violation of the CCR's of the Swauk Pines Homeowners' Association.

All public access will be guided and will be by appointment only, certain parcels may be closed temporarily because of creek levels, habitat restoration or other preservation activities.

Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space?

As stated previously the rest of the Swauk Basin is either on an open space overlay as part of a MPR application or in conservation easements or open space designations. The inclusion of the proposed parcels will solidify the current land use regimes and provide the last "missing link" to an area that will be continuously protected from US Highway 97 to the Yakima River.

Preserve historic areas?

There are no currently listed archeological sites in the parcels, nor are there any historic areas though it could be said that the preservation of the land in the Swauk Creek/Hidden Valley area will maintain a land use regime that has been historically consistent for the past 130 years.

Preserve visual quality along highway, road, and street corridors or scenic vistas?

There are no specific view sheds from which Hidden Valley can be viewed other than points along Hidden Valley Road, the county road that leads to the parcels under consideration for inclusion. Hidden Valley Road dead ends at Hidden Valley Ranch, in the past the road has been used to track cougars with radio collars, and for hunters to scout for wildlife, though they are not allowed to hunt on the parcels under consideration for inclusion.

Retain in natural state tracts of one (1) or more acres in urban areas and open to public use as reasonable required by granting authority?

None of the parcels under consideration for inclusion are in urban areas

Farm and Agricultural land as defined in RCW 84.34.020(8)

The "bottom land" or arable land in the parcels is either protected by a conservation easement executed between Hidden Valley Ranch and the Cascade Land Conservancy, or is now under consideration for inclusion in Open Space/Timber Lands. It has traditionally been used as grazing/hay production, and the agricultural land in Parcel 17787 is currently leased for irrigated pasture and hay production.

Noxious Weeds

The Land in parcels under consideration for inclusion that has either been disturbed or is under agricultural uses is regularly treated for noxious weeds, and the Noxious Weed Board has received no complaints against the owners of the properties.

Timber Management Plan for the Parcels under consideration:

A Timber Management Plan is currently being developed with the assistance of Phil Hess. Mr. Hess has done much work through the years in the Swauk Valley/Hidden Valley area either with Boise Cascade or the actual landowners in the Hidden Valley area. We expect the plan to be finished early in 2011.

EXHIBIT 'A'**Legal descriptions for parcels in the Swauk Pines Open Space/Timber Land Application**

Parcel #	Legal Description
16565	20-17-33000-0017 ACRES 6.01 Sec 33 T20R17 PTN NW ¼ NW ¼ (LOT 4c, SURV B26/P44-45)
16564	20-17-33000-0016 SEC 33 T20 R17 PTN NW ¼ NW ¼ (LOT 3C, B26/P44-45)(MUST BE SOLD WITH 20-17-33000-0029)
953887	20-17-33000-0029 Ac 2.16 PTN NW1/4 (PTN Lot 5D, B31/P194)(MUST BE SOLD WITH 20-17-33000-0016) Sec 33 T29R17
16563	20-17-33000-0015 AC 3.25 PTN NW ¼ NW ¼ (Lot 2C, B26/P44-45) (Must be sold with 20-17-33000-0028)
953886	20-17-33000-0028 ACRES 2.10 PTN NW1/4 (PTN LOT 5D, B31/P194)(MUST BE SOLD WITH 20-17-33000-0015) Sec 33 T20 R17
17787	20-17-33000-0021 Acres 44.46 Sec 33 T29 R17 PTN NW1/4 (PTN LOT 5D, B31/P194)
14083	20-17-32040-0002 AC 9.6 PTN SE1/4 Sec 32 T20R17 (PTN LOT 1A, B26/P44-45)



DOOTHILLS PLAT

ES PLAT

ORGERSON SHORT PLAT

0024

parcel # 16565
20-17-33000-001
Swauk Pines LLC
6.01 A

parcel numbers
16564 and 953887
20-17-33000-0028
20-17-33000-0016
Swauk Pines LLC
5.58A

parcel #
16563 and 953886
20-17-33000-0015
20-17-33000-0028
Swauk Pines LLC
5.35A

Sec 33

parcel #17787
20-17-33000-0021
Swauk Pines LLC
44.46 A

parcel # 14083
20-17-32040-0002
Swauk Pines LLC
9.6 A

parcel # 435635
20-27-33000-0003
Cohorts LLC
3.7A

parcel # 445635
20-17-33000-0004
Cohorts LLC 3.3
35.46 A

parcel # 465635
20-17-33000-0006
Bruce Coe et ux
40.72 A
(already in Open Space)

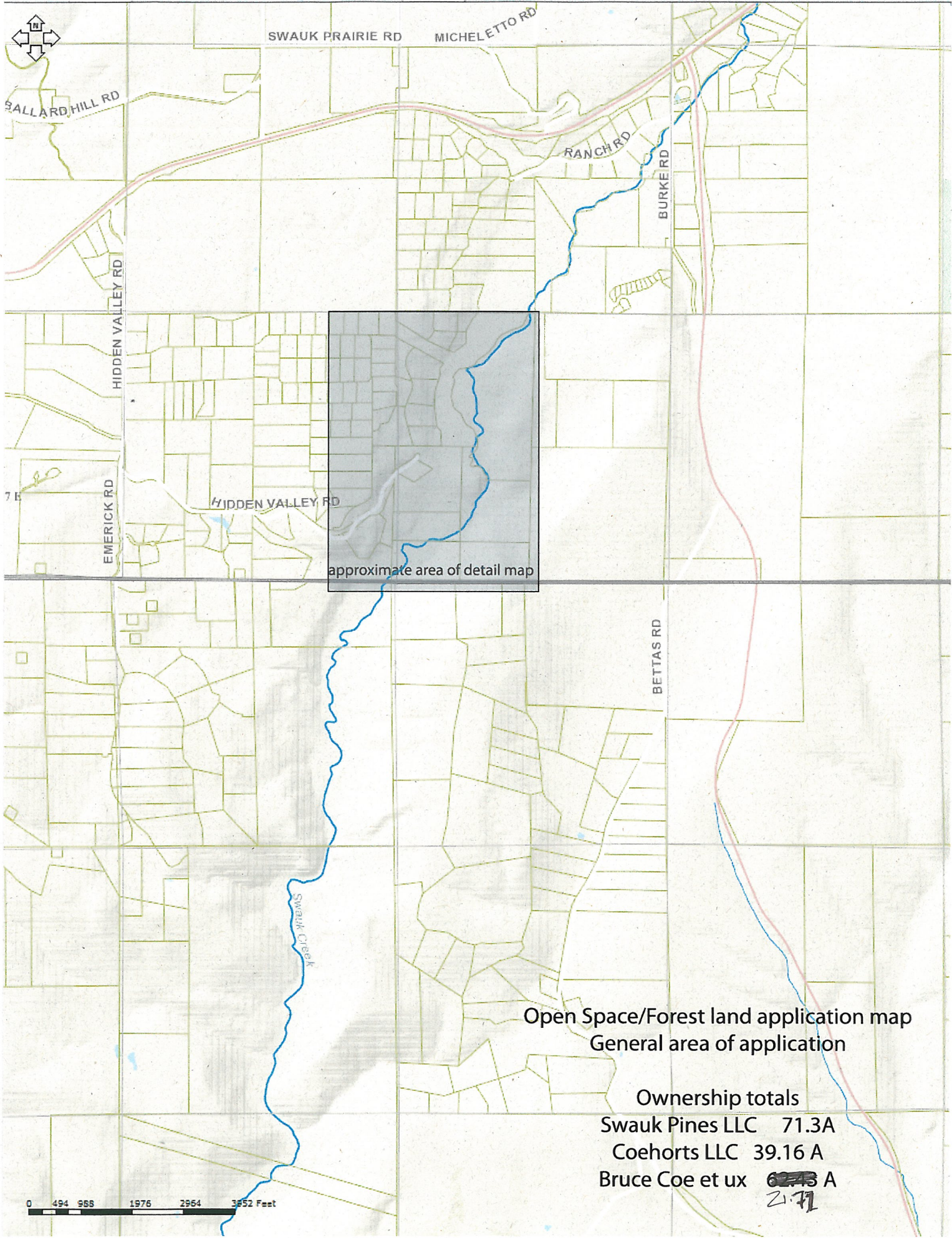
parcel # 14084
20-17-32040-0003
Bruce Coe et ux
4.83 A

parcel# 038636
20-17-33000-0010
Bruce Coe et ux
16.88 A

Open Space/Forest land application map

Ownership totals
Swauk Pines LLC 71.3A
Cohorts LLC 39.16 A
Bruce Coe et ux 21.71 A

0 148 296 592 888 1184 Feet



Open Space/Forest land application map
 General area of application

Ownership totals

Swauk Pines LLC	71.3A
Coehorts LLC	39.16 A
Bruce Coe et ux	62.43 A 21.71

0 494 988 1976 2964 3852 Feet



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: 2010-5773

Date: 12/22/2010

Received From: SWAUK PINES LLC

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 LAND AND TIMBER APPLICATION

<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: CHRISTINE GARCIA