



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

OC-10-00007 SWAUK PINES LLC OPEN SPACE CURRENT USE APPLICATION STAFF REPORT

TO: Kittitas County Planning Commission
FROM: Jeff Watson, GIS Technician\Planner II
DATE: August 23, 2011
SUBJECT: Swauk Pines LLC Open Space Current Use Application (OC-10-00007)

I. GENERAL INFORMATION

Proposal: On December 22, 2010 Bruce and Kim Coe, authorized agents for Swauk Pines LLC landowner, submitted an application for classification or reclassification of portions seven tax parcels totaling 28.4 of 71 acres as open space land current use under the provisions of RCW Chapter 84.34. The application has been reviewed by Assessor staff for ownership, parcel numbers, and legal descriptions, and by Community Development Services staff for land use and critical areas assessment.

Location: The subject property is located approximately 10.5 miles east of the City of Cle Elum south of State Route 970 west of US 97 and east of Hidden Valley Road in a portions of sections 32 and 33, township 20, range 17, WM, in Kittitas County; Assessor's map numbers 20-17-33000-0015, 20-17-33000-0028, 20-17-33000-0029, 20-17-33000-0016, 20-17-33000-0017, 20-17-33000-0021, 20-17-32040-0002, parcel identification numbers (concurrently) 16563, 953886, 953887, 16564, 16565, 17787, 14083.

II. SITE INFORMATION

Site Characteristics: Utilizing Aerial Photography, analysis indicates a patchwork of meadows and wooded lands some dense some rather sparse. Assessor's records indicate that no improvements have been made on any of the properties. It should be noted that parcels 953887 (2.16 acres) and 16564 (3.42 acres) are divided only for tax district (fire district zoning) and must be sold together. The same conditions exist for parcels 16563 (3.25 acres) and 953886 (2.1 acres). The topography is gently sloped from west to east approximately 250 feet vertically over the roughly 1400 foot cross section of the parcel, for an average 17.8% slope. Some areas of the southern parcel may exceed 30%. Critical areas review indicates that the eastern parcel is proximate to Swauk Creek, which is subject to the provisions of the Shoreline Master Program and contains approximately 4.7 acres of floodplain as well as 15.6 acres of wetlands. The entire application area is located within the Swauk Prairie Deer Winter Range. Approximately 4.5 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 cultural or archaeological sites in their data base for the parcel. The site is identified in the Priority Habitat Species data set as "Swauk Prairie Deer Winter Range", but no indication was given that there is a 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."

Swauk Creek is identified as a Shoreline of the State, criteria for which mandates at least 20 cubic feet per second. 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,

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 average slope of the parcel is approximately 17.8%; The GIS indicates that a possibility exists for slopes greater than 25%, but no soil conservation plan accompanied the application. The eastern most parcel in this application contains some Flood Insurance Rate Map designation. Zoning is Agriculture 3; commercial activities permitted are extremely limited. Some potential for damage may exist.

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

Kittitas County ordinance 1994-025 does not specifically address this criterion. The properties are approximately two miles away from any state or federally held lands. The applicant's narrative indicates proximity to "... an open space overlay as part of a MPR application or in conservation easements or open space designations." It is presumed that the applicant is referring to the 2006 Ranch on the Swauk Creek Planned Unit Development. While the approximately 500 acre application proposes some 150 plus acres to be designated as open space, it also indicates an intent to develop a 3 phased 243 lot subdivision of mixed residential uses.

(vi) preserve historic sites

Kittitas County ordinance 1994-025 does not specifically address this criterion. WSDAHP indicated that no cultural resources are recorded for the parcels indicated. A cultural resource survey for the adjacent PUD property revealed one

“refuse site” and one “talus pit feature site” recommendations were for avoidance and immediate investigation should new discoveries be made during maintenance or road modifications.

(vii) preserve visual quality along highway, road, and street corridors or scenic vistas,

Kittitas County ordinance 1994-025 does not specifically address this criterion. The application indicates that:

“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.”

The reasons for the applicant’s inclusion for consideration under this criterion is unclear.

RCW 84.34.041(4) provides that:

“The granting authority may approve the application with respect to only part of the land that is described in the application, and 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 pursuant to RCW 84.34.020(3), may also require that certain conditions be met.”

Only the eastern parcel (17787) of this application is “expressly eligible” under the criteria of KC Resolution 94-25 and as such staff recommends that it be approved for classification as open space current use under the provisions of RCW 84.34. Staff further recommends that the remaining 6 parcels after being “evaluated carefully” be denied classification due to the applications inability to demonstrate that they are “expressly eligible under the guidelines of the resolution” and its failure to “clearly demonstrate a significant public benefit from the granting of open space...”.