

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

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Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

OC-13-00001 RESORT CREEK OPEN SPACE CURRENT USE APPLICATION STAFF REPORT

TO: Kittitas County Planning Commission
FROM: Jeff Watson, Staff Planner
DATE: February 11, 2014
SUBJECT: Resort Creek Open Space Current Use Application (OC-13-00001)

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 6 miles south by southwest of Snoqualmie Pass off Forest Service Road 4832.

II. SITE INFORMATION

Site Characteristics: Utilizing Aerial Photography, analysis indicates the site is predominately wooded with deciduous undergrowth and coniferous forest. There are no improvements on any of the three parcels. The topography is generally steep at 36% for a total elevation gain of approximately 48 meters (158 feet). A Critical areas review indicates that the parcels contains two streams; Resort Creek a type 2 fish bearing stream, and an un-named type 4 non-fish bearing stream. Resort Creek is not currently a shoreline of the state nor is it proposed as such in the Shoreline Master Program update. There is a R3USC (Riverine) wetland that abuts the south border of the subject property; some buffer requirements may apply. The parcel is zoned Commercial Forest and was apparently created via segregation in 1983 though confirmation documentation and surveys were not found. 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 \$1100 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 resolution 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'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.”

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 resolution 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:

“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.”

The parcel is contiguous to Resort Creek; this stream does not currently fall under the provisions of the Shoreline Master Program, and is not slated for incorporation under the SMP. By definition Resort Creek is not a “...major stream flowing at a rate of 20 C. F.S. or more”. KCC 17A.08.010 Provisions that “No critical aquifer recharge locations have been identified in Kittitas County.” The applicant has provided no evidence to the contrary. While technically not at the point of intersection; and technically not with a stream of 20 c.f.s. or more; Resort Creek does drain into Keechulus Lake (a Shoreline of the State) 330 feet south of the subject properties. The planning Commission may wish to consider the legislative intent of “preservation or protection of major drainage ways...”.

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

Kittitas County resolution 1994-025 stipulates that “...applications for Open Space classification based on promotion of the conservation of soil, control or erosion; wet lands or marshes 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 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, long nose and speckled dace, Northern pike minnow, Western brook lamprey, and large scale sucker.”

GIS analysis does not indicate the existence of any Zone A (100 year) floodplain on the subject parcels. Staff analysis indicates that there is "...25% or greater slope on at least 50% of the tracts...", and there appears to be some evidence of erosion and sediment build up north of the freeway in the DOT right of way. No "conservation plan prepared by the Soil Conservation Service" was provided with this application. It is difficult 22 years later to establish the legislative intent of the term "commercial development" in the resolution; under the broadest of definitions the case could be made that "...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."

(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 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."

Criteria language has evolved some over the course of the last 22 years. Kittitas County resolution 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 these parcels and this 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:

"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."

Kittitas County resolution 1994-025 does not specifically address this criterion. The properties are bounded on the north by parcels contained in the Wenatchee National Forest. The parcel directly to the south is right of way for I-90, under the jurisdiction of 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,*

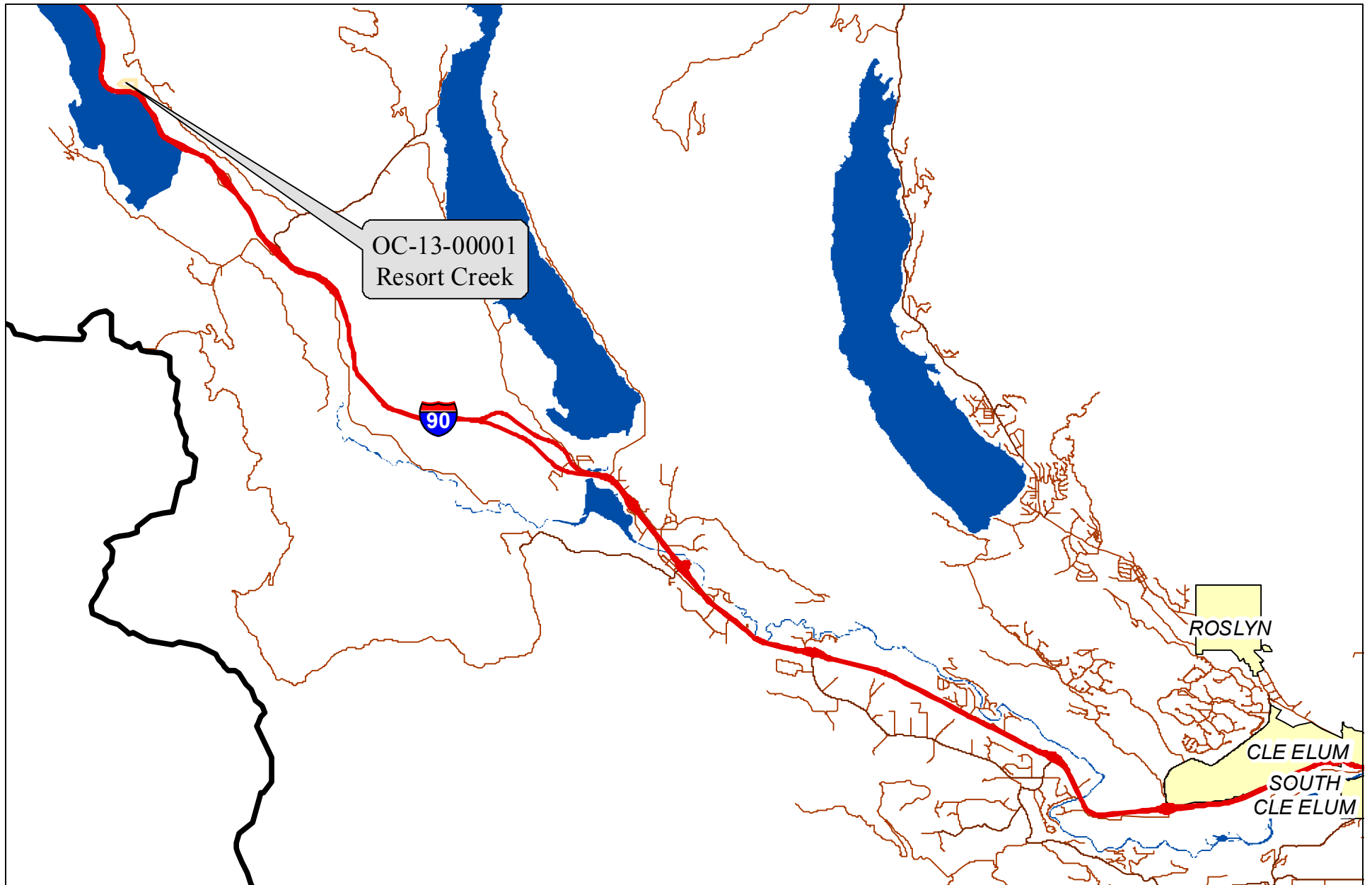
- (iv) promote conservation principles by example or by offering educational opportunities,*
- (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces,*
- (vi) enhance recreation opportunities,*
- (vii) preserve historic 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 parcels are eligible for consideration. There is a Conservation Easement in place on these parcels 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 \$1100 per year. This burden would be carried in part by all property owners in Kittitas County. Staff recommends approval of OC-13-00002 Gold Creek.



OC-13-00001
Resort Creek

Area
Map



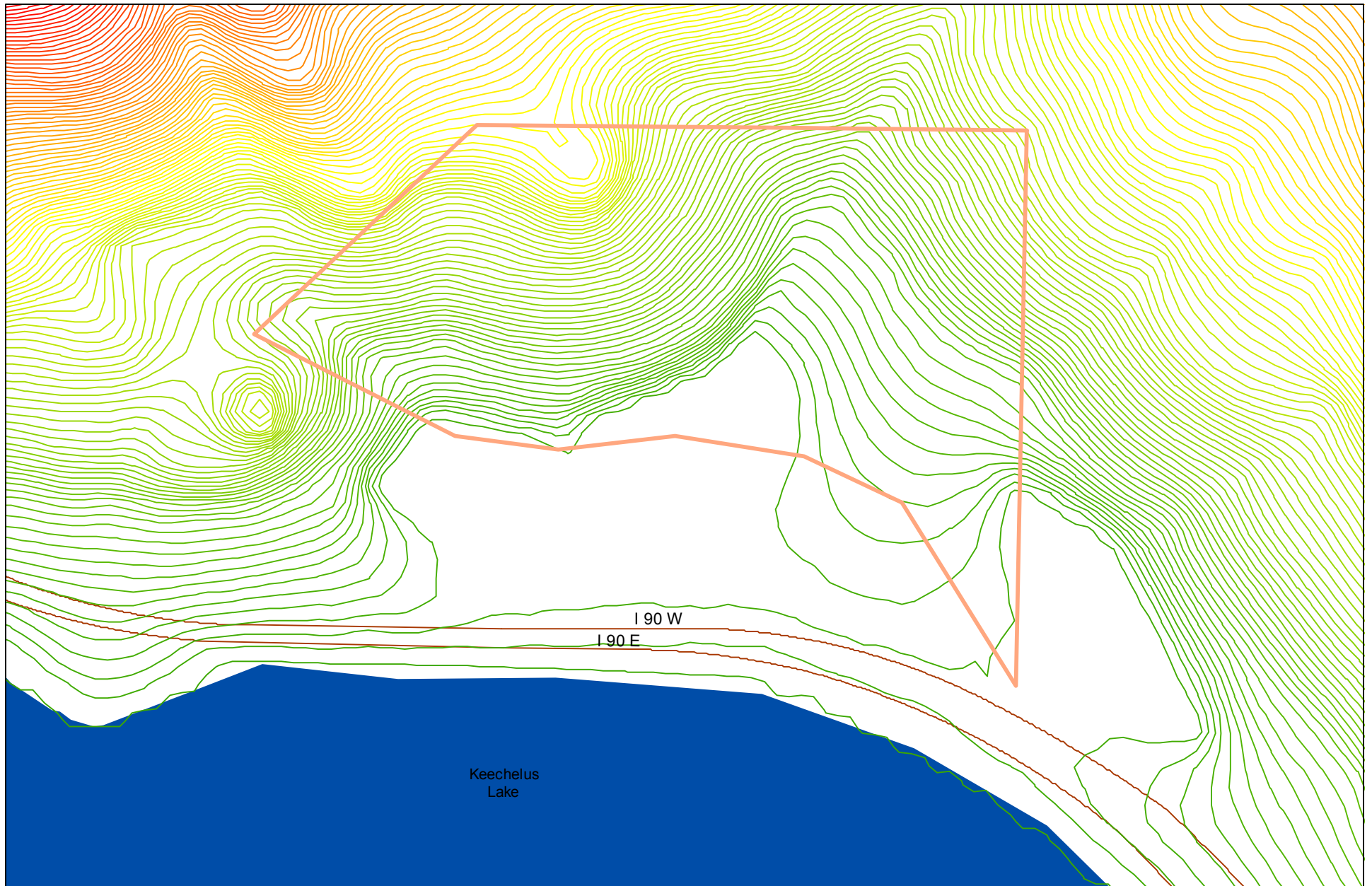


OC-13-00001
Resort
Creek

Source: Esri, DigitalGlobe, GeoEye, IGN, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGF, swisstopo, and the GIS User Community

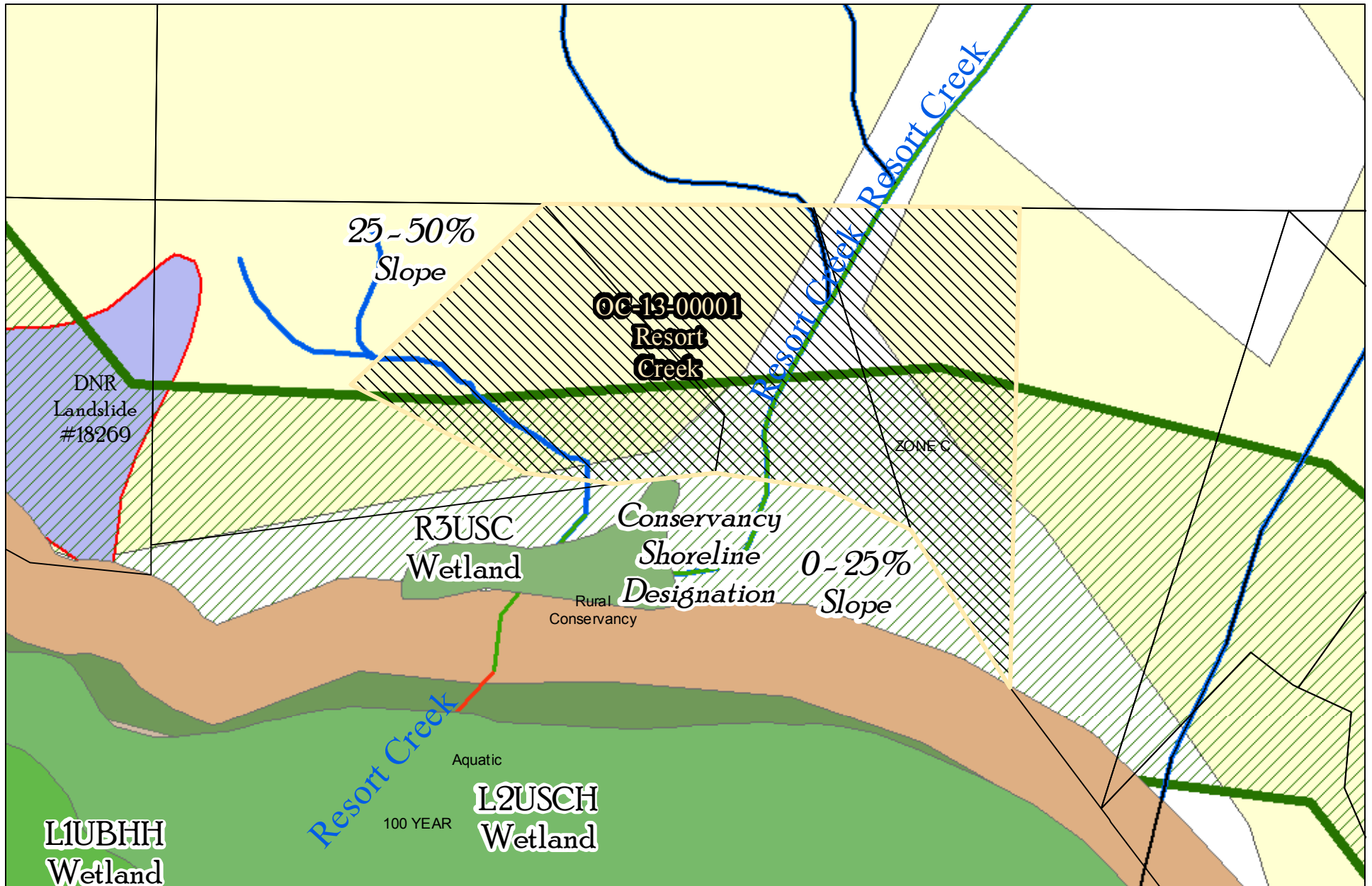
OC-13-00001
Resort Creek

Air
Photo



OC-13-00001
Resort Creek

Elevation Contours 1 Meter
(772 to 820 Meters in Parcels)



OC-13-00001
Resort Creek

Critical Areas
Map

Critical Areas Checklist

Tuesday, February 04, 2014

Application File Number



Planner

Is SEPA required Yes No



Is Parcel History required? Yes No

What is the Zoning?



Is Project inside a Fire District? Yes No

If so, which one?



Is the project inside an Irrigation District? Yes No

If so, which one?

Does project have Irrigation Approval? Yes No

Which School District?

Is the project inside a UGA? Yes No

If so which one?

Is there FIRM floodplain on the project's parcel? Yes No

If so which zone?

What is the FIRM Panel Number?

Is the Project parcel in the Floodway? Yes No

Does the project parcel contain a shoreline of the State? Yes No

If so what is the Water Body?

What is the designation?

Does the project parcel contain a Classified Stream? Yes No

If so what is the Classification?

Does the project parcel contain a wetland? Yes No

If so what type is it?

Does the project parcel intersect a PHS designation? Yes No

If so, what is the Site Name?

Is there hazardous slope in the project parcel? Yes No

If so, what type?

Does the project parcel abut a DOT road? Yes No

If so, which one?

Does the project parcel abut a Forest Service road? Yes No

If so, which one?

Does the project parcel intersect an Airport overlay zone ? Yes No

If so, which Zone is it in?

Does the project parcel intersect a BPA right of way or line? Yes No

If so, which one?

Is the project parcel in or near a Mineral Resource Land? Yes No

If so, which one?

Is the project parcel in or near a DNR Landslide area? Yes No

If so, which one?

Is the project parcel in or near a Coal Mine area? Yes No

What is the Seismic Designation?

Does the Project Application have a Title Report Attached?

Does the Project Application have a Recorded Survey Attached?

Have the Current Years Taxes been paid?



U.S. Fish & Wildlife Service

National Wetlands Inventory

Branch of Resource and Mapping Support

Enter Classification code: (Example: **L1UB1Hx**)

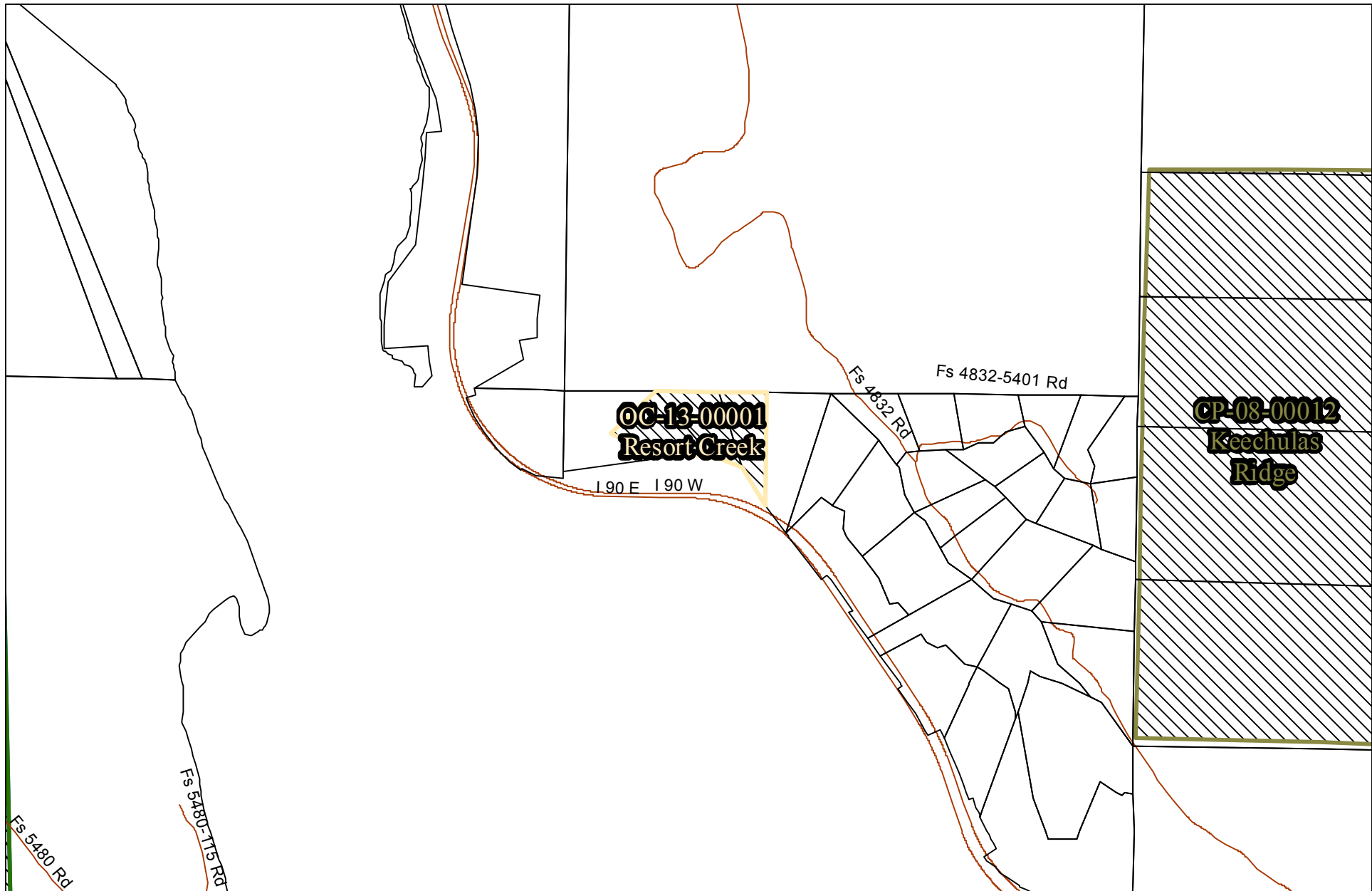
For geographically specific information* (optional), please enter a State code: (Example: **TX** for Texas)

Description for code **R3USC**:

- R** System **RIVERINE**: The Riverine System includes all wetlands and deepwater habitats contained in natural or artificial channels periodically or continuously containing flowing water or which forms a connecting link between the two bodies of standing water. Upland islands or Palustrine wetlands may occur in the channel, but they are not part of the Riverine System.
- 3** Subsystem **UPPER PERENNIAL**: This Subsystem is characterized by a high gradient and fast water velocity. There is no tidal influence, and some water flows throughout the year. This substrate consists of rock, cobbles, or gravel with occasional patches of sand. There is very little floodplain development.
- US** Class **UNCONSOLIDATED SHORE**: Includes all wetland habitats having two characteristics: (1) unconsolidated substrates with less than 75 percent areal cover of stones, boulders or bedrock and; (2) less than 30 percent areal cover of vegetation. Landforms such as beaches, bars, and flats are included in the Unconsolidated Shore class.
- Subclass :

Modifier(s):

- C** WATER REGIME **Seasonally Flooded**: Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.



OC-13-00001
Resort Creek

Regional Land
Use Map



Marsha Weyand
Assessor

Kittitas County Assessor

205 W 5th Ave Suite 101
Ellensburg, WA 98926
Phone: (509)962-7501
Fax: (509)962-7666



Property Summary [\(Appraisal Details\)](#)

Parcel Information

Parcel Number: 384336
Map Number: 21-11-01020-0009
Situs: \FS RD 4832 EASTON
Legal: ACRES 5.76, CD. 5439-A; SEC. 1; TWP. 21; RGE. 11; PTN. N1/2 NW1/4; LESS 2.31@ ROAD

Ownership Information

Current Owner: CASCADE LAND CONSERVANCY
Address: 901 FIFTH AVENUE SUITE 2200
City, State: SEATTLE WA
Zipcode: 98164-

Assessment Data

Tax District: 47
Land Use/DOR Code: 91
Open Space:
Open Space Date:
Senior Exemption:
Deeded Acres: 5.76
Last Revaluation (Reval) for Tax Year:

Market Value

Land: 46,180
Imp: 0
Perm Crop: 0
Total: 46,180

Taxable Value

Land: 46,180
Imp: 0
Perm Crop: 0
Total: 46,180

Sales History

Date	Book & Page	# Parcels	Grantor	Grantee	Price
09-15-2010	2010-1300	3	RESORT CREEK LLC	CASCADE LAND CONSERVANCY	120,000
09-15-2006	2006-2360	3	BERRY, JAMES J ETUX	RESORT CREEK LLC	

Building Permits

NO ACTIVE PERMITS

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2014	CASCADE LAND CONSERVANCY	46,180	0	0	46,180	0	46,180	View Taxes
2013	CASCADE LAND CONSERVANCY	46,180	0	0	46,180	0	46,180	View Taxes
2012	CASCADE LAND CONSERVANCY	46,180	0	0	46,180	0	46,180	View Taxes
2011	CASCADE LAND CONSERVANCY	46,180	0	0	46,180	0	46,180	View Taxes

2010 RESORT CREEK LLC	46,180	0	0	46,180	0	46,180	View Taxes
2009 RESORT CREEK LLC	46,180	0	0	46,180	0	46,180	View Taxes

Parcel Comments

Number

Comment

- 1 SENT OFFICIAL NOTICE OF VALUE, 11/14/2013; 13 FOR 14~
- 2 CHANGE TAX DISTRICT FROM 4 TO 47 PER ANNEXATION TO FIRE~DISTRICT 8; AUD#200903180003; 09 FOR 10~
- 3 SENT CHANGE OF VALUE NOTICE 11/29/06; 06 FOR 07~

no photo on file

no sketch on file

Filedate: 2/3/2014 5:27:00 PM





Marsha Weyand
Assessor

Kittitas County Assessor

205 W 5th Ave Suite 101
Ellensburg, WA 98926
Phone: (509)962-7501
Fax: (509)962-7666



Property Summary [\(Appraisal Details\)](#)

Parcel Information

Parcel Number: 394336
Map Number: 21-11-01020-0008
Situs: \FS RD 4832 EASTON
Legal: ACRES 5.82, CD. 5439-A-2; SEC.1; TWP.21;
RGE.11; PTN. N1/2 NW1/4;

Ownership Information

Current Owner: CASCADE LAND CONSERVANCY
Address: 901 FIFTH AVENUE SUITE 2200
City, State: SEATTLE WA
Zipcode: 98164-

Assessment Data

Tax District: 47
Land Use/DOR Code: 91
Open Space:
Open Space Date:
Senior Exemption:
Deeded Acres: 5.82
Last Revaluation (Reval) for Tax Year:

Market Value

Land: 46,510
Imp: 0
Perm Crop: 0
Total: 46,510

Taxable Value

Land: 46,510
Imp: 0
Perm Crop: 0
Total: 46,510

Sales History

Date	Book & Page	# Parcels	Grantor	Grantee	Price
09-15-2010	2010-1300	3	RESORT CREEK LLC	CASCADE LAND CONSERVANCY	120,000
09-15-2006	2006-2360	3	BERRY, JAMES J ETUX	RESORT CREEK LLC	
06-01-1994	3845600	2	GEORGE SMITH ETUX	BERRY, JAMES J ETUX	7,500

Building Permits NO ACTIVE PERMITS

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2014	CASCADE LAND CONSERVANCY	46,510	0	0	46,510	0	46,510	View Taxes
2013	CASCADE LAND CONSERVANCY	46,510	0	0	46,510	0	46,510	View Taxes
2012	CASCADE LAND CONSERVANCY	46,510	0	0	46,510	0	46,510	View Taxes
2011	CASCADE LAND	46,510	0	0	46,510	0	46,510	View Taxes

CONSERVANCY								
2010	RESORT CREEK LLC	46,510	0	0	46,510	0	46,510	View Taxes
2009	RESORT CREEK LLC	46,510	0	0	46,510	0	46,510	View Taxes

Parcel Comments

Number	Comment
1	SENT OFFICIAL NOTICE OF VALUE, 11/14/2013; 13 FOR 14~
2	CHANGE TAX DISTRICT FROM 4 TO 47 PER ANNEXATION TO FIRE~DISTRICT 8; AUD#200903180003; 09 FOR 10~
3	SENT CHANGE OF VALUE NOTICE 11/29/06; 06 FOR 07~

no photo on file

no sketch on file

Filedate: 2/3/2014 5:27:00 PM





Marsha Weyand
Assessor

Kittitas County Assessor

205 W 5th Ave Suite 101
Ellensburg, WA 98926
Phone: (509)962-7501
Fax: (509)962-7666



Property Summary [\(Appraisal Details\)](#)

Parcel Information

Parcel Number: 915835
Map Number: 21-11-01020-0006
Situs: \FS RD 4832 EASTON
Legal: ACRES 5.63, CD. 5439-A-1; SEC. 1; TWP. 21;
RGE. 11 PTN. N1/2 NW1/4

Ownership Information

Current Owner: CASCADE LAND CONSERVANCY
Address: 901 FIFTH AVENUE SUITE 2200
City, State: SEATTLE WA
Zipcode: 98164-

Assessment Data

Tax District: 47
Land Use/DOR Code: 91
Open Space:
Open Space Date:
Senior Exemption:
Deeded Acres: 5.63
Last Revaluation (Reval) for Tax Year:

Market Value

Land: 50,470
Imp: 0
Perm Crop: 0
Total: 50,470

Taxable Value

Land: 50,470
Imp: 0
Perm Crop: 0
Total: 50,470

Sales History

Date	Book & Page	# Parcels	Grantor	Grantee	Price
09-15-2010	2010-1300	3	RESORT CREEK LLC	CASCADE LAND CONSERVANCY	120,000
09-15-2006	2006-2360	3	BERRY, JAMES J ETUX	RESORT CREEK LLC	
09-01-1994	39083	1	BERRY, JAMES J.ETUX &	BERRY, JAMES J ETUX	3,215
06-01-1994	3845600	2	GEORGE SMITH ETUX	BERRY, JAMES J ETUX	7,500

Building Permits

NO ACTIVE PERMITS

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2014	CASCADE LAND CONSERVANCY	50,470	0	0	50,470	0	50,470	View Taxes
2013	CASCADE LAND CONSERVANCY	50,470	0	0	50,470	0	50,470	View Taxes
2012	CASCADE LAND CONSERVANCY	50,470	0	0	50,470	0	50,470	View Taxes

2011	CASCADE LAND CONSERVANCY	50,470	0	0	50,470	0	50,470	View Taxes
2010	RESORT CREEK LLC	50,470	0	0	50,470	0	50,470	View Taxes
2009	RESORT CREEK LLC	50,470	0	0	50,470	0	50,470	View Taxes

Parcel Comments

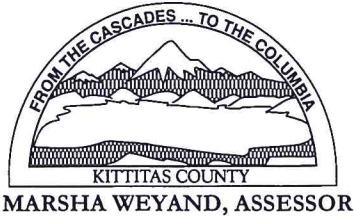
Number	Comment
1	SENT OFFICIAL NOTICE OF VALUE, 11/14/2013; 13 FOR 14~
2	CHANGE TAX DISTRICT FROM 4 TO 47 PER ANNEXATION TO FIRE~DISTRICT 8; AUD#200903180003; 09 FOR 10~
3	SENT CHANGE OF VALUE NOTICE 11/29/06; 06 FOR 07~
4	1) AFF#38456 6/94 GEORGE A. SMITH ETUX TO JAMES J. BERRY ETUX 1/3 INT.

no photo on file

no sketch on file

Filedate: 2/3/2014 5:27:00 PM





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

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.

- NA 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 5th 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:

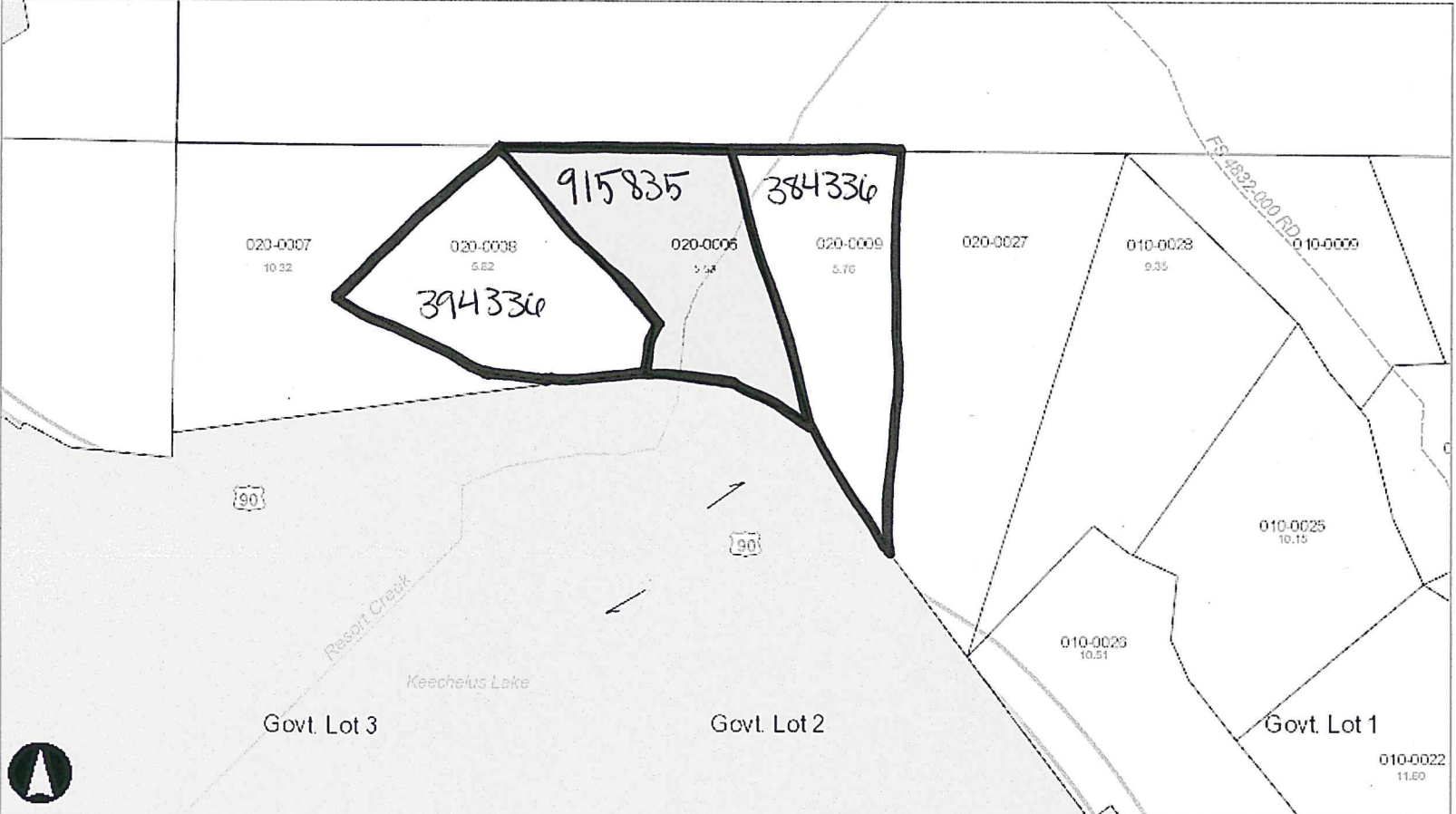
Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 1431+50 on the SR 90 line survey of SR 90, Hyak to Keechelus Dam and 235 feet Northeasterly therefrom;
Thence Southeasterly parallel with said line survey to a point opposite HES 1441+49.46 and the end of this line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

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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
		Totals:	\$300.00	\$0.00	\$300.00