



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## **REVISED OC-09-00001 MIRLY & OC-09-00002 MIRLY INVESTMENTS OPEN SPACE CURRENT USE APPLICATIONS STAFF REPORT**

**TO:** Kittitas County Planning Commission  
**FROM:** Jeff Watson, Staff Planner  
**DATE:** October 21, 2010  
**SUBJECT:** Mirly Open Space Current Use Application (OC-09-00001)  
Mirly Investments Open Space Current Use Application (OC-09-00002)

### **I. GENERAL INFORMATION**

**Proposal:** On or about August 7, 2009 Mr. Kenneth Mirly submitted two applications for Change of Classification or Use for five tax parcels totaling 39.24 acres to be reclassified from Farm and Agricultural land under RCW 84.34.020(2) to Farm and Agricultural Conservation land as defined in RCW 84.34.020(8)(a). At the time of application Mr. Mirly had not submitted the application fee of \$300; he was subsequently contacted by county Assessor staff and the money was received and receipted on April 19, 2010. 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 properties are located approximately 1.5 miles southeast of Thorp between State Route 10 and Interstate 90 exit 101 on the north side and abutting the Yakima River. Access appears to be achieved via McManamy Road.

### **II. SITE INFORMATION**

**Site Characteristics:** Utilizing Aerial Photography, analysis indicates the site is predominately wooded with deciduous undergrowth and forest. There are two large clearings of unknown origin or function. The application indicates that there is one single family timber frame house located on parcel 143233, and there appear to be accessory structures. The topography is essentially flat. Critical areas review indicates that almost the entire property is located within the floodway and the entire property in the FIRM floodplain (Panel 5300950436B). The Yakima River is a shoreline of the state with this section being delineated in the shoreline master program as Rural. Three types of wetlands are shown to exist on the subject property; PSSC (Palustrine Scrub Shrub Seasonally Flooded), R3USC (Riverine Upper Perennial Unconsolidated Shore Seasonally Flooded) and R3UBH (Riverine Upper Perennial Unconsolidated Bottom Permanently Flooded).

### **III. RECOMMENDATION**

The application as submitted is requesting re-designation to Farm and Agricultural Conservation land as defined in RCW 84.34.020(8)(a) the criteria for which is land that *"has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture"*. In August of 2009 Mr. Mirly apparently submitted a four page document outlining his plan to restructure the agricultural functions of his properties. This document for reasons unknown did not accompany the original application forwarded to Community Development Services for review in 2009. In the absence of this explanation, staff at that time recommended denial of the open space current use re-designation. Mr. Mirly, concerned about the recommendation, requested that the application be withdrawn from the agenda to clarify his position and re-submit his letter which was received on July 16, 2010. Staff has fully reviewed the documentation and finds that it provides sufficient detail and structure to justify the criteria as outlined above in the RCWs for re-designation. **Staff recommends approval of this application to reclassify these properties to Farm and Agricultural Conservation Land as outlined in RCW 84.34.020(8) based on the documentation provided by the applicant.**