

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

OC-21-00035 KCT OPEN SPACE CURRENT USE APPLICATION STAFF REPORT

TO: Kittitas Board of County Commissioners
FROM: Jeremy Johnston, Planning Official
DATE: November 8, 2021
SUBJECT: KCT Open Space Current Use Application (OC-21-00035)

I. GENERAL INFORMATION

Proposal: On January 21, 2021 Kittitas Conservation Trust submitted an application for Change of Classification or Use for one tax parcel totaling 40.33 acres to receive Open Space benefits as defined in RCW 84.34.020(8)(a). 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 parcel is located at the West half of Section 31, Township 20 N Range 16 E. The map number is 20-16-31030-0009, and the parcel number is 385135. No street address is given in County Records for the property, but it is located on McDonald Rd adjacent to I-90. The subject property is located approximately .5 miles southeast of Cle Elum. The Yakima River runs along the northern border of the property. Access is achieved via McDonald Rd.

II. SITE INFORMATION

Site Characteristics: Utilizing Aerial Photography, analysis indicates the site is predominately a riparian region with deciduous undergrowth and forest. No structures exist on the property. The topography is essentially flat. Critical areas review indicates that almost the entire northern portion of the property is located in the Floodway and the FIRM floodplain Panel is 5300950261B. The parcel qualifies as a Shoreline of the State, with this section being delineated in the shoreline master program as Rural Conservancy. A type 2 stream converges with a type 4 stream along the southern half of the parcel. Three types of wetlands are shown to exist on the subject property; PEMCx (Palustrine Emergent Seasonally Flooded excavated), PABHx (Palustrine Aquatic Bed Permanently Flooded Excavated) (and PUBHx (Palustrine Unconsolidated Bottom Permanently Flooded Excavated). The parcel was created by process of combination of 5 smaller parcels. The parcel is currently in the Rural 5 zone.

III. CRITERIA ANALYSIS

The applicant provided a narrative statement describing the history of the parcel and outlining the Conservation Easement Management Plan (See Index # 4). The narrative explains the Washington State Department of Ecology identified a need for BPA to mitigate for some wetland impacts related to wetland impacts to a Supplementation and Research Facility built in Cle Elum. BPA pursued a mitigation option that prescribed the acquisition of property with wetlands and certain actions to protect these wetlands through a Conservation Easement. BPA acquired the subject property and negotiated with the Kittitas County Conservation Trust to own and manage it while maintaining a perpetual BPA Easement. This resulted in a Deed of Conservation Easement between BPA and the KC Conservation Trust and the creation of the Eagle Bend Preserve and Conservation Easement Management Plan (See Index # 4). Most of the parcel contains a variation of wetland activity ranging from Category 1 to Category 2 with native vegetation species (See Index # 7). The Wetland Report indicated Riverine Aquatic Bed Wetlands and Riverine Emergent Wetlands and Open Water Wetlands.

Kittitas County Code (KCC) 3.46.080 outlines the process for open space benefit consideration. Section 5 reads:

“In determining whether an application for open space land classification or reclassification should be approved all or in part as stipulated in RCW 84.34.037, the Board of Commissioners will 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 at a minimum the following:

a. *The resulting revenue loss or tax shift;*

-Kittitas County Assessor Information indicates a 2022 Market Value Assessment of \$409,150 for parcel 385135. The recommendation of this staff report is an 85% reduction in market value (See section V of this Report). This would result in a reduction of \$347,777.50 and produce a taxable market value of \$61,372.50.

b. *Whether granting the application will:*

- i. *Conserve or enhance natural, cultural, or scenic resources;*
- ii. *Protect streams, stream corridors, wetlands, natural shorelines, floodways and aquifers;*
- iii. *Protect geologically hazardous, landslide, or seismic areas;*
- iv. *Protect soil resources and unique or critical wildlife and native plant habitat;*
- v. *Promote conservation principles by example or by offering educational opportunities;*
- vi. *Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open space;*
- vii. *Preserve historic and archaeological sites;*
- viii. *Preserve visual quality along highway, road, and street corridors or scenic vistas; and*
- ix. *Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property”.*

Each value listed in KCC 3.46.080 applies to evaluation criteria listed in KCC 3.46.090:

“i. Conserve or enhance natural, cultural, or scenic resources”

Subsections of KCC 3.46.090 relevant to this value include 1d. *Special Animal Sites*:

“d. Special Animal Sites. (Up to 3 points)

- i. *Definition. Habitat for those animal species defined by Washington State Department of Fish and Wildlife (WDFW) as being either an endangered, threatened or sensitive species or those animal species identified as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) maps.*
- ii. *Source. Washington State Department of Fish and Wildlife (WDFW), Kittitas County Planning and Building Department's Critical Area maps.*
- iii. *Eligibility. Eligible sites are those with a documented occurrence of an endangered, threatened or sensitive species, or those animal species identified as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) Maps. Those properties with less than fifty percent (50%) of the property within identified special animal sites will receive two (2) points and those with fifty percent (50%) or more will receive (3) points.”*

Staff Analysis

Geographic Information Systems analysis shows that almost the entire parcel falls within Priority Habitat Species Classification according to Critical Area Maps. 3 points can be awarded for Special Habitat Sites.

ii. Protect streams, stream corridors, wetlands, natural shorelines, floodways and aquifers;

Passages in KCC 3.46.090 relevant to this value include 1c: *Shoreline Environments*, 1f: *Category I and II wetlands*, 1g,: *Major Lakes, Ponds, and Streams* and 1h.: *Floodplains and Floodways*.

c. Shoreline Environment. (Up to 3 points)

- i. Definition. A lake or stream shoreline and its "associated wetlands" designated by the Kittitas County Shorelines Master Program.*
- ii. Source. Official shoreline master program map or associated documents.*
- iii. Eligibility. Eligible lands are those identified either partially or wholly as shoreline environment and their associated wetlands in the Kittitas County shorelines master program and will be granted a proportion of total points based upon the amount of circumference of property boundary adjacent to an Ordinary High Water Mark (OHWM). Those properties with less than fifteen percent (15%) of the property boundary circumference subject to Shoreline regulations will receive one (1) point. Those properties having up to twenty-five percent (25%) of the property boundary circumference subject to Shoreline regulations will receive two (2) points. Those properties with over twenty-five percent (25%) of the property boundary circumference subject to Shorelines regulations will receive three (3) points.*

Staff Analysis

GIS analysis shows more than 50% of the parcel is subject to Shoreline regulations. 3 points can be awarded under this provision.

f. Category I and II Wetlands. (Up to 3 points)

- i. Definition. All Category I wetlands and Category II wetlands over 2,500 square feet.*
- ii. Source. National Wetlands Inventory maps, Critical Area Maps, certified wetland biologist.*
- iii. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Category I and II wetlands, and the required buffers and setbacks not regulated by SMP, will receive two (2) points, and those properties with fifty percent (50%) or more of the area in identified Category I and II wetlands will receive three (3) points. These points can be added to any points for other category wetlands upon the site”.*

Staff Analysis

Much of the parcel falls within wetland areas. However, 3 points have been awarded for Shoreline Master Program jurisdiction, and therefore is not eligible for the award.

- g. Major Lakes, Ponds and Streams.*
- i. Definition. Lakes and ponds, over one acre in size, and creeks and streams classified as Type 2 (or other state equivalent) as defined by WAC 222-16-030, located within a well-defined channel, that carry a perennial flow throughout the year and are used in the life cycles of anadromous fish, based on data compiled by the Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described "shoreline environment."*
 - ii. Source. Washington State of Department of Fish and Wildlife (WDFW), and Washington State Department of Natural Resources (DNR).*
 - iii. Eligibility. Eligible lands are those meeting the definition above and are not waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area ponds and streams not regulated by SMP will receive two (2) points, and those properties with fifty percent (50%) or more of the area with identified ponds and will receive three (3) points. Properties with a stream transmitting to two (2) property boundaries will receive two (2) points.*

Staff Analysis

The Teanaway River, a Type 1 Shorelines stream, runs through the property, and is fed by a Type 2 stream. The parcel is already subject to SMP regulations. No points can be awarded for conserving the stream.

h. "Floodplains or Floodways

- i. *Definition. Properties which contain floodways or 100-year floodplains as designated by the Kittitas County critical areas maps or by the Federal Emergency Management Agency flood maps.*
- ii. *Source. Federal Emergency Management Agency flood maps or the Kittitas County critical area maps.*
- iii. *Eligibility. Eligible lands are those that meet the definition above. Not eligible under this are waters and lands designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Floodways and Floodplains will receive two (2) points and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive three (3) points. Those parcels on buildable lands entirely located within 100-year floodplains may be eligible for bonus points”.*

Staff Analysis

GIS analysis shows that the entire parcel falls within a FIRM floodplain area. However, the parcel is already subject to Shoreline Master Program jurisdiction, and the floodplain areas cannot be double counted.

iii. Protect geologically hazardous, landslide, or seismic areas;

The relevant passage of 3.46.090:

- i. *Geologically Hazardous Areas.*
- i. *Definition. Properties which contain areas that poses potential threats to life or property because of unstable soil, geologic or hydrologic conditions or steep slopes. This includes all landslide and seismic hazard areas*
- ii. *Source: Federal Emergency Management Agency, Washington State Department of Ecology, Washington State Department of Natural Resources (Division of Geology and Earth Resources), and/or geologic or geo-technical experts*
- iii. *Eligibility. Eligible lands are those that meet the definition above. Those properties with less than fifty percent (50%) of its area in this category will receive two (2) points and those properties with fifty percent (50%) or more of the area in identified as geologically hazardous will receive three (3) points.*

Staff Analysis

No hazardous slopes are found within the property.

“iv. Protect soil resources and unique or critical wildlife and native plant habitat;

e. Special Plant Sites

- i. *Definition. Those areas where plant species listed by the Washington State Department of Natural Resources (WSDNR) Natural Heritage Program as being either an endangered, threatened or sensitive plant species are located in areas greater than ten (10) acres in size.*
- ii. *Source. Location and details of known sites are on file in the WSDNR – Natural Heritage Database.*
- iii. *Eligibility. Eligible sites are those in the WSDNR – Natural Heritage Database. Individual sites must be verified Those properties with less than fifty percent (50%) of its area in identified special plant sites will receive one (1) point and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive three (3) points.”*

Staff Analysis

GIS analysis finds no WSDNR Natural Heritage Plant sites on the parcel.

v. Promote conservation principles by example or by offering educational opportunities

No specific code or source is provided in KCC 3.46.090 in reference to educational opportunities.

Staff Analysis

No information source is listed in the code, and the applicant provides no mention of educational opportunities in his

addendum. No points can be awarded at this time under this section.

vi. Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open space.

Staff Analysis

No mention is made in the application in reference to abutting or neighboring parcels, forest, wildlife, preserves, etc.

vii. Preserve historic and archaeological sites

“a. Archeological Sites

- i. Definition. All known sites and locations of pre-historical or archaeological interest, including but not limited to burial sites, camp sites, rock shelters, caves and the artifacts and implements of the culture.*
- ii. Source. Location and details of known sites are on file at Washington State Office of Archaeology and Historic Preservation.*
- iii. Eligibility. Eligible sites are those which are on file at the Washington State Office of Archaeology and Historic Preservation, or verified by an expert in the field as containing the same features and acceptable by the Office of Archaeology and Historic Preservation for addition to their inventory. If a site is considered as an archaeological site, it will not receive points as a historic site.”*

Staff Analysis

The Washington State Department of Archaeology and Historic Preservation provided no evidence of archeological sites on the property.

b. Historical Site (3 points).

- i. Definition. A building, structure or site which is of significance to the county's cultural heritage including, but not limited to, Native American and pioneer settlements, old buildings, forts, trails, landings, bridges or the sites thereof together with interpretive facilities, and which are identified in the Washington Heritage Register or the National Heritage Register.*
- ii. Source. No comprehensive inventory has been done by the County to date. Refer to state or national registers and inventories at the State Office of Archaeology and Historic Preservation and/or the Kittitas County Historical Society.*
- iii. Eligibility. Eligible sites must be listed in the Washington Heritage Register or the National Heritage Register. If a site is considered as a historic site, it will not receive points as an archaeological site.*

Staff Analysis

The Washington State Department of Archaeology and Historic Preservation provided no evidence of historic sites on the property.

vii. Preserve visual quality along highway, road, and street corridors or scenic vistas;

c. Scenic Vistas.

- i. Definition. An area of natural features which is visually significant to the aesthetic character of the county and is visible from a historically significant or scenic public right-of- way.*
- ii. Source. No inventory available.*
- iii. Eligibility. Lands under this resource category must be visible from historically significant or designated scenic highways and recognized by a public agency or non-profit scenic preservation organization. Such lands with more than 40 acres devoted to preserving such views will receive two (2) points.*

Staff Analysis

The parcel is along the Mountains to Sound Greenway Scenic Byway. The parcel is above 40 acres and therefore qualifies for 2 points in this section.

- i. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property”.***

Staff Analysis

The addendum to the application provides no additional information about factors relevant to this conservation value.

IV. APPLICABLE CODE REDUCTION

KCC 3.46.110 provides allows land assessment value reduction based upon the number of points awarded to an applicant. The percent reduction in the assessed market value are awarded according to the table below.

Total Eligibility Points	Percent Reduction in Assessed Market Value
0 to 3 points	0% reduction in value
4 to 6 points	10% reduction in value
7 to 10 points	30% reduction in value
11 to 13 points	50% reduction in value
14 to 15 points	55% reduction in value
With One Bonus	10% additional reduction in value
With Two Bonuses	20% additional reduction in value
Conservation in Perpetuity	85% reduction in value

From the staff analysis, we have determined that the applicant's parcel would qualify for 8 points and a 30% reduction in assessed value, with 3 points awarded for Shorelines, 3 points awarded for Priority Habitat Species Lands, and 2 points awarded as a scenic vista.

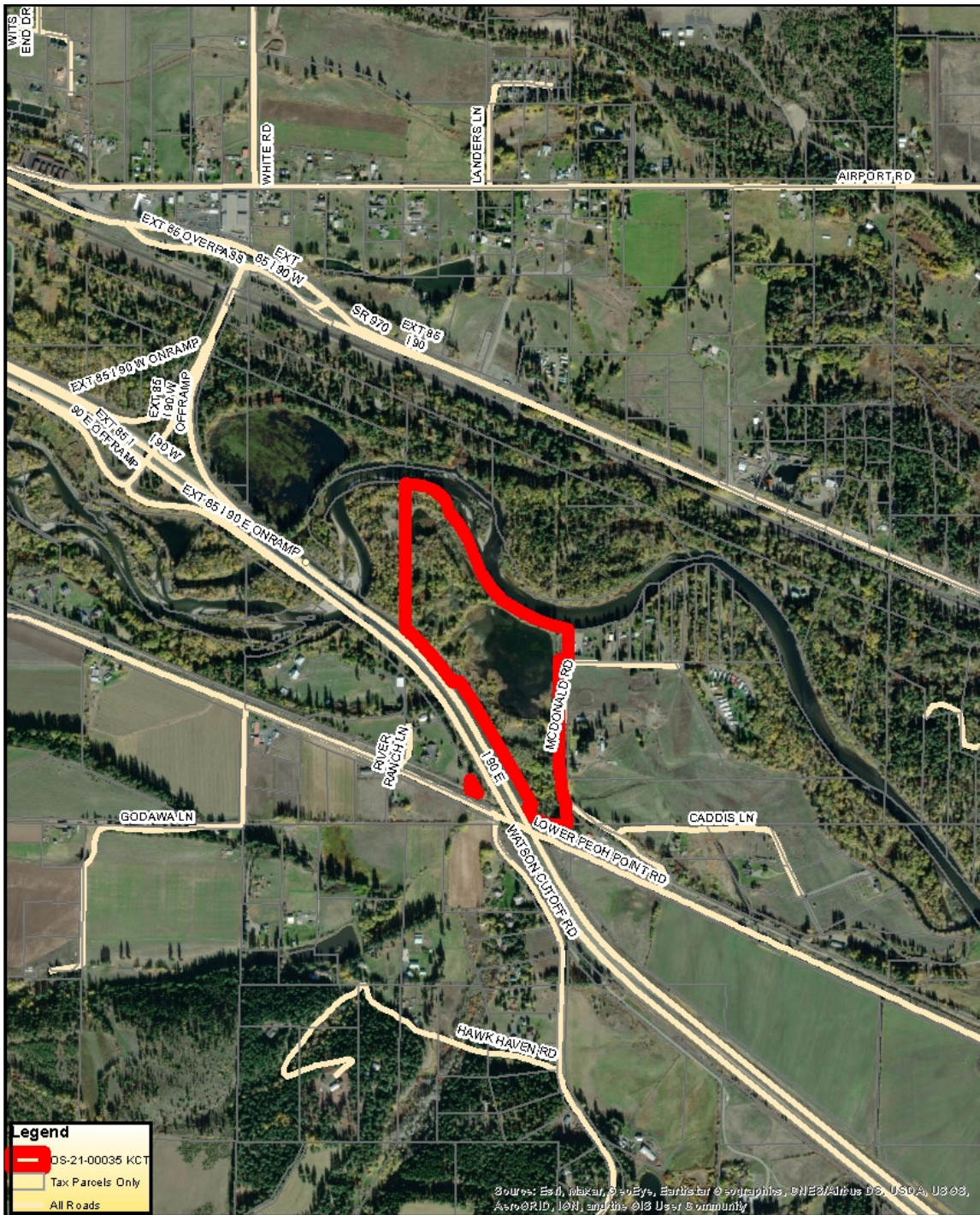
KCC 3.46.100 states "*Any entity, organization, or person placing whole parcels of land in conservation in perpetuity shall receive an eighty-five percent (85%) reduction in assessed market value.*" The applicant has submitted a Conservation Easement agreement with their application materials. This Conservation Easement places the property in Conservation status in perpetuity.

V. RECOMMENDATION

Staff recommends approval of the application for an 85% reduction under KCC 3.46.100, due to the Conservation Easement included in the application materials.

APPENDIX:
FIGURES

Figure 1: Aerial View of the property



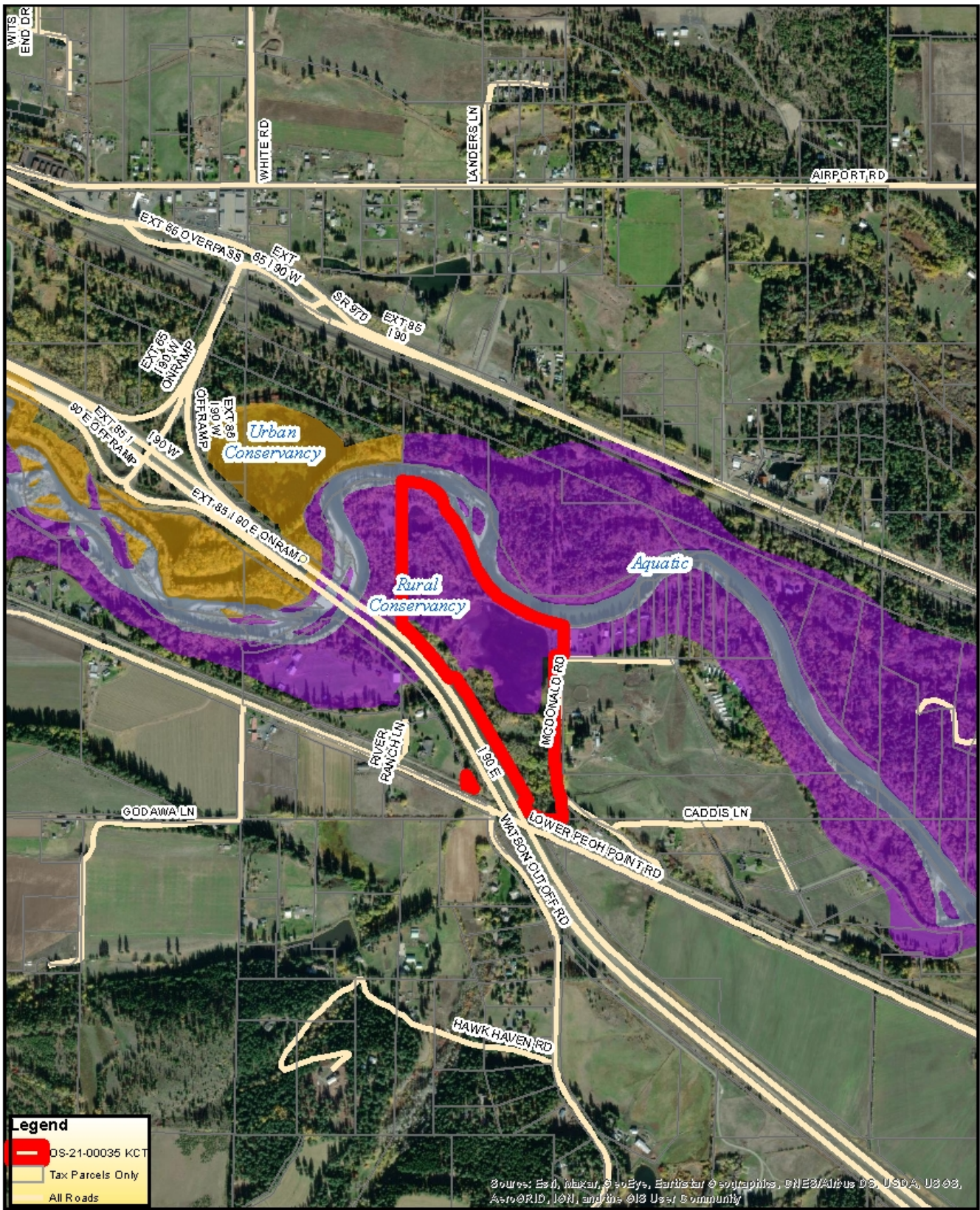
OS-21-00035 KCT

Aerial View Map

0 0.075 0.15 0.3 Miles



Figure 2: Shoreline Master Plan jurisdiction within the property boundary.



OS-21-00035 KCT

Shoreline Map

0 0.075 0.15 0.3 Miles



Figure 3: Critical areas covering the property.

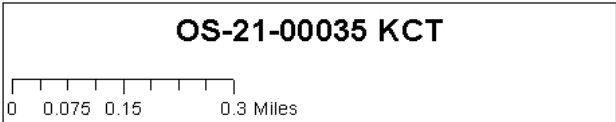
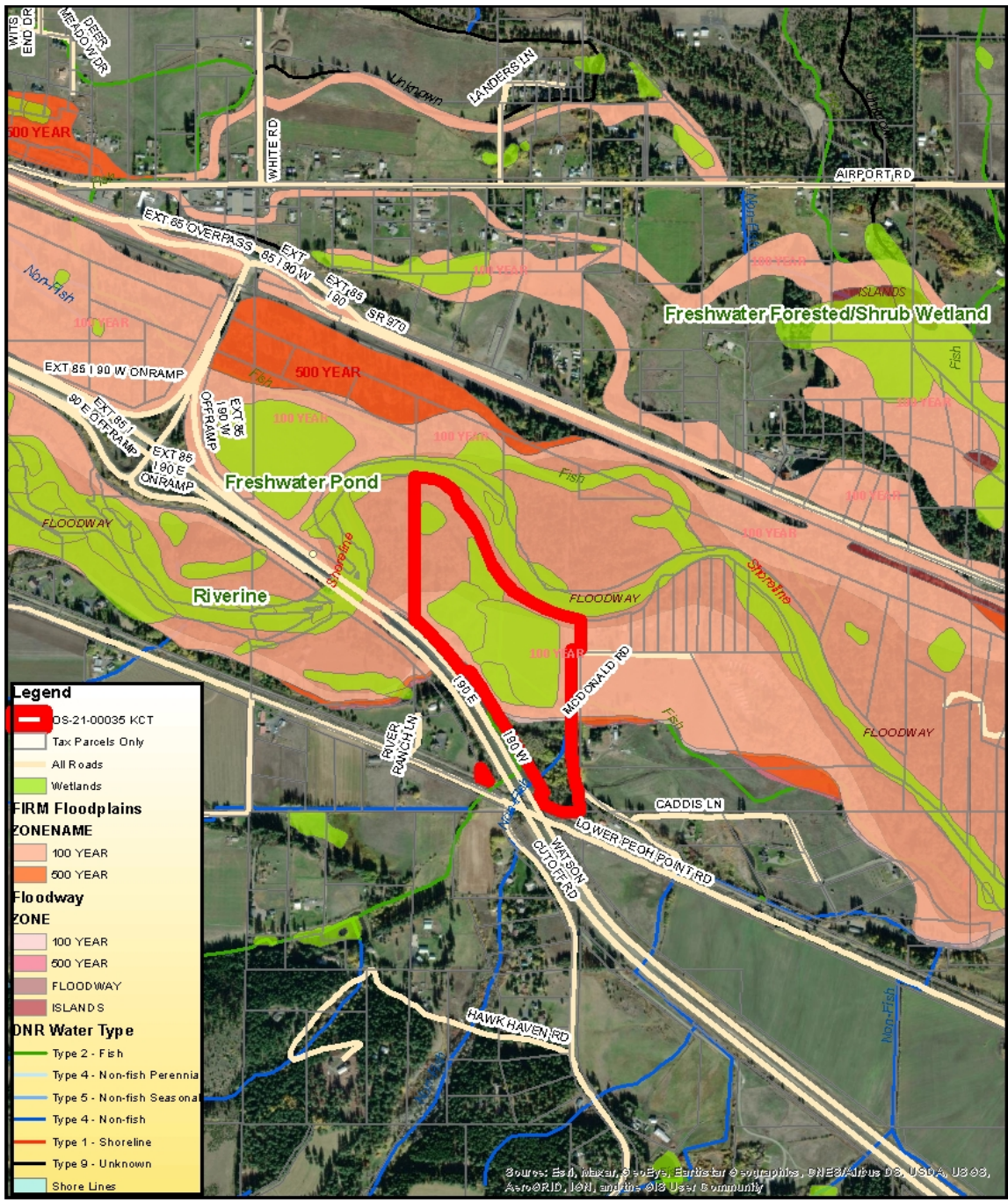


Figure 4: Zoning

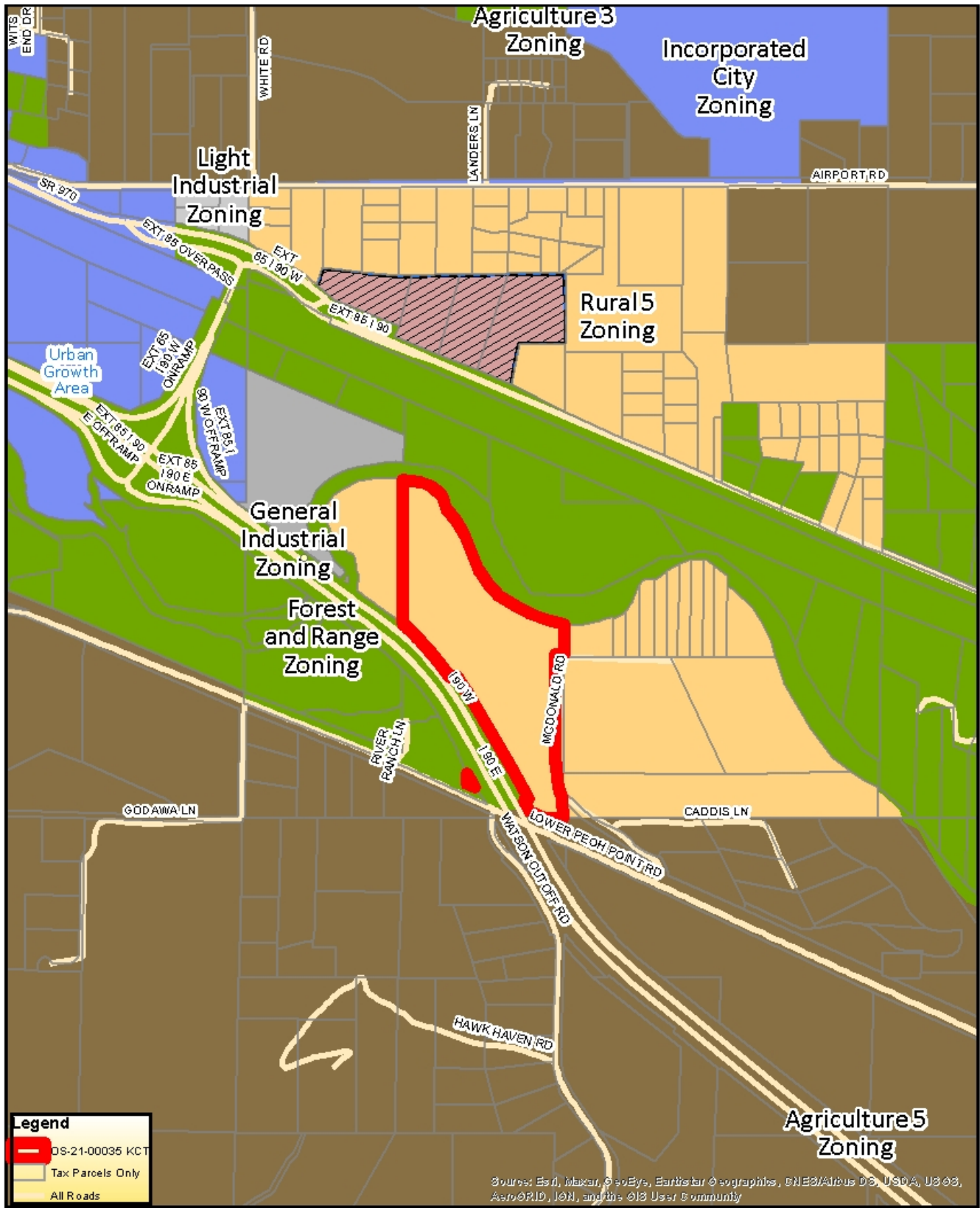
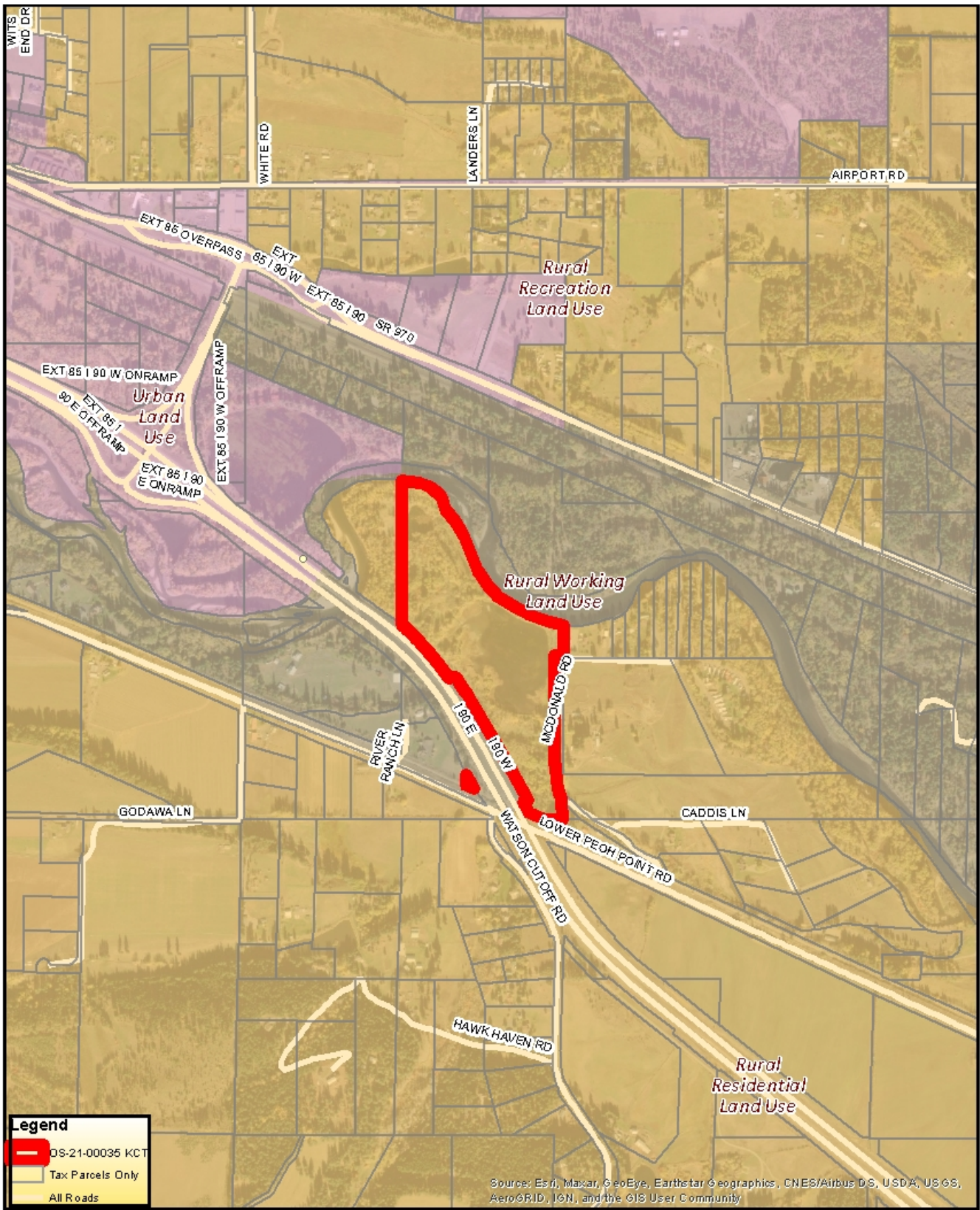


Figure 5: Land Use



OS-21-00035 KCT

Land Use Map

