



proud past, promising future

DEPARTMENT OF PUBLIC WORKS

FINAL MEMORANDUM

TO: Clark County Planning Commission
FROM: Hunter Decker, Clark County Forester / NRS II
DATE: March 15, 2018
SUBJECT: Year 2018 Reviews for the Year 2017 Current Use Assessment Requests (Timberland/Open Space)

BACKGROUND:

The Department of Public Works has reviewed the Current Use Assessment request accepted during 2017. The approved request will become effective during September 2018 for the 2019 calendar year tax statements. As required by Revised Code of Washington (RCW) 84.34.037, Current Use Assessment requests are processed in the same manner as a Comprehensive Plan Amendment. These requests are usually evaluated after receiving the applications late in the calendar year preceding the year of tax assessment to be under Current Use.

All requests for Current Use classification require Planning Commission review, and are approved by the Clark County Council. This is the 31ST year the county has reviewed Current Use Assessment applications. The Timberland classification requires a 5-acre minimum parcel size, exclusive of a one acre home site, and parcels may be transferred from Designated Forest Land or Farm & Agriculture. The stocking and management requirements are enumerated in County Code Chapter 3.08.070. Open Space classification criteria vary according to the category requested. All properties have been evaluated in light of these criteria and are attached to this report.

2018 REQUESTS:

The County received **5** requests for the year 2017 Current Use Assessment. Staff received **0** requests for the Timberland classification. Staff concludes that the **5** requests for Open Space classification meets the applicable criteria of the category chosen under Chapter 3.08 (.031), (.040), (.050), (.055), (.060), or (.070) of the Clark County Code.

The following is a summary of the cases for which staff recommends *Approval and Partial Approvals or Denial*:

Open Space Applications Must Have:

3.08.021 – Parcel size – Parcels must be at least ten (10) contiguous acres in size exclusive of a home site of one (1) acre, to be eligible for “open space” classification, except as specified herein. (Sec. 4 of Res. No. 1977-10-32; amended by Sec. 3 of Ord. 1982-02-65; amended by Sec. 3 of Ord. 1992-02-03; amended by Sec. 1 of Ord. 1996-02-30)

3.08.080 – Weed Control – An effective noxious weed control program must be implemented on all “open space” and “timber land” tracts. (Sec. 10 of Res. No. 1977-10-32).

3.08.090 – Platted Land – Each lot or parcel of land within platted subdivisions or short subdivisions, must meet the minimum acreage requirement for the classification being applied for (Open space equals minimum ten (10) acres, timberland equals minimum of five (5) acres), exclusive of a one (1) acre home site. Land being used for second or recreational homes shall not be eligible for “open space” or “timberland” classifications, except when such lots are eligible for classification under Section 3.08.060, Historic sites, or under Section 3.08.031, Archaeological sites. (Sec. 11 of Res. No. 1977-10-32; amended by Sec. 1 of Ord. 1996-02-30).

New Timberland Applications – 3.08.070

None

Applications for Transfer from the Soil Conservation to Historic Sites & Stream Protection

Historic Sites - 3.08.060 - Applications for “open space” classification based on preservation of historic sites will be limited to historic sites and land containing structures of historic significance so long as they are listed on the local, state or national historic registers and protected as such. (These tracts could be less than five (5) acres.) Public access may be required, provided such public access shall only be deemed required so long as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 8 of Res. No. 1977-10-32; amended by Sec. 1 of Ord. 1996-02-30).

Stream Protection - 3.08.040 - Applications for “open space” classification based on protection of streams and water supplies will be limited to the following, provided that the minimum acreage requirement is met:

- 1) Areas of significant springs as delineated by the Department of Natural Resources Study on water resources.
- 2) Tracts contiguous to or straddling major streams designated shorelines of the state, or identified in the county’s shoreline master program. Public access may be required provided that public access shall only be required as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 6 of Res. No. 1977-10-32; amended by Sec. 5 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

#2017-00005 Hunter Project

The applicant has requested that 14.32 acres of the 14.32 acres in parcel # 196660-000 be classified as Open Space Historic Preservation and Stream Protection. The site is located at 15716 NE 112TH Ave, in Brush Prairie 98606. An on-site review indicated that there are two historic buildings on site. The Bertha “Bertie” Fifeld House, built 1910, and the The Kapus Granary, built in 1929, are listed on the Clark County Heritage Register. The area is also within the Shoreline Management Zone of the Salmon Creek. The application meets all criteria for Open Space Historic Preservation and Stream Protection as specified in Chapter 3.08 (.060) and (.040) of the Clark County Code. Therefore, staff recommends **APPROVAL** of the 14.32 acres.

Applications for Transfer from the Farm & AG Classification to Soil Conservation and Stream Protection

Soil Conservation – 3.08-050 - Applications for “open space” classification based on promotion of the conservation of soils will be restricted to the following:

- 1) Tracts which contain not less than ten (10) acres of Class I or Class II soil, as identified by the local Soil Conservation Service Office, and at least eighty percent (80%) of the tract must be in production of food or fiber.
- 2) Tracts wherein a major portion is incorporated into the comprehensive park greenway plan. Public access may be required, provided public access shall only be required as long as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 7 of Res. No. 1977-10-32; amended by Sec. 6 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

Stream Protection - 3.08.040 - Applications for “open space” classification based on protection of streams and water supplies will be limited to the following, provided that the minimum acreage requirement is met:

- 1) Areas of significant springs as delineated by the Department of Natural Resources Study on water resources.
- 2) Tracts contiguous to or straddling major streams designated shorelines of the state, or identified in the county’s shoreline master program. Public access may be required provided that public access shall only be required as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 6 of Res. No. 1977-10-32; amended by Sec. 5 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

2017-00004 – Kromminga Family

The applicant has requested that 80.97 acres of the 80.97 acres in Tax Lots #1 Samuel R Whipple DLC, 19; parcel #s 190860-000, 180286-000 be transferred from a Farm & Agriculture classification to Open Space Soil Conservation and Stream Protection. The site is located west of NW Krieger Road and South of NW 192ND Street, south west of Ridgefield. An on-site review indicated that the area applied for contains a class I soil type of Hillsboro Silt Loam (HoA) greater than 10 acres in area at least 80% of the property is in food and fiber production. The area is also within the Shoreline Management Zone of the Whipple Creek. The application meets all criteria for Open Space Soil Conservation and Stream Protection as specified in Chapter 3.08 (040) and (050) of the Clark County Code. Therefore, staff recommends APPROVAL of the 80.97 acres.

2017-00006 – Paula Parnell-Davis

The applicant has requested that 24.63 acres of the 24.63 acres in parcel # 212116-000 be classified Open Space Stream Protection. The site is located south of NE Stoughton Road. An on-site review indicated that the area applied for is within the Shoreline Management Zone of Mason Creek and the East Fork Lewis River. The application meets all criteria for Open Space

Stream Protection as specified in Chapter 3.08.040 of the Clark County Code. Therefore, staff recommends **APPROVAL** of the 24.63 acres.

New Open Space Applications

Stream Protection - 3.08.040 - Applications for “open space” classification based on protection of streams and water supplies will be limited to the following, provided that the minimum acreage requirement is met:

- 1) Areas of significant springs as delineated by the Department of Natural Resources Study on water resources.
- 2) Tracts contiguous to or straddling major streams designated shorelines of the state, or identified in the county’s shoreline master program. Public access may be required provided that public access shall only be required as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 6 of Res. No. 1977-10-32; amended by Sec. 5 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

Soil Conservation – 3.08-050 - Applications for “open space” classification based on promotion of the conservation of soils will be restricted to the following:

- 1) Tracts which contain not less than ten (10) acres of Class I or Class II soil, as identified by the local Soil Conservation Service Office, and at least eighty percent (80%) of the tract must be in production of food or fiber.
- 2) Tracts wherein a major portion is incorporated into the comprehensive park greenway plan. Public access may be required, provided public access shall only be required as long as open space classification is in full force and effect and shall not be deemed to vest any permanent rights of public access or use. (Sec. 7 of Res. No. 1977-10-32; amended by Sec. 6 of Ord. 1982-02-65; amended by Sec. 1 of Ord. 1996-02-30)

2017-00003 Tudor, LLC

The applicant has requested that 2.79 acres of the 2.79 acres in Tideland Tax Lot No. 500101 in Section 01, Township 04 North, Range 01 West, of the Willamette Meridian, including Parcel # 500101-000 be classified as Open Space Stream Protection. The site is located on portion of the BNSF Railway Company Second Class Tidelands in a portion of Government Lot 5 and Government Lot 6 along the south bank of the Lewis River. An on-site review indicated that the area applied for is within the Shoreline Management Zone of the Lewis River. The acreage is contiguous with the same ownership already in the program. The application meets all criteria for Open Space Stream Protection as specified in Chapter 3.08.040 of the Clark County Code. Therefore, staff recommends **APPROVAL** of the application.

2017-00007 Sharleen James

The applicant has requested that 79 acres of the 80 acres in Tax lots No. 4 and 7 in Section 23 and 24, Township 01 North, Range 04 East, of the Willamette Meridian, including Parcel #s 135508-000, 135819-000, 501100-000 be classified as Open Space Soil Conservation and Stream Protection. The site is located south of SE Evergreen Hwy at 39315 SE Evergreen Hwy, Washougal, 98671 East of Washougal. An on-site review indicated that the area applied for

contains class II soil types Sauvie Silt Loam (SnA) and Newberg Silt Loam (NbA & NbB) greater than 10 acres in area, and at least 80% of the property is in food and fiber production. The area is also within the Shoreline Management Zone of the Columbia River. The application meets all criteria for Open Space Soil Conservation and Stream Protection as specified in Chapter 3.08 (040) and (050) of the Clark County Code. Therefore, staff recommends **APPROVAL** of the 79 acres.