

June 10, 1993
Ord92.113

Introduced by Audrey Gruger
Proposed No. 93-173

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

ORDINANCE NO. 10885

AN ORDINANCE concurring with the recommendation of the Zoning and Subdivision Examiner to approve, subject to standard and specific conditions, the timber land designation application, as amended, for current use valuation of JAMES AND DONITA ZELLER, designated Department of Development and Environmental Services File No. L92CT006.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

This ordinance does hereby adopt and incorporate herein as its findings and conclusions the findings and conclusions contained in the report and recommendation of the zoning and subdivision examiner dated May 21, 1993, which was filed with the clerk of the council June 10, 1993, to approve, subject to standard and specific conditions, the timber land designation application, as amended, for current use valuation of James and Donita Zeller, designated department of development and environmental services file no. L92CT006, and the council does hereby adopt as its action the recommendation(s) contained in said report.

INTRODUCED AND READ for the first time this 15th day of

March, 1993.

10885

CURRENT USE AGENDA
ZONING AND SUBDIVISION EXAMINER
For the King County Council

APRIL 27, 1993 - PUBLIC HEARING

DEPARTMENT OF DEVELOPMENT & ENVIRONMENT SERVICES
3600 - 136th Place SE, Hearing Room 2, Bellevue, WA 98006

9:15 a.m., or as soon thereafter as possible.

FILE No. L92CT005

OWNER: PAUL SCHMIDT, 24314 119th St E, Buckley, WA 98321
LOCATION: 32701 Kuzak Rd SE, near the Black Diamond area
STR: SW 22-21-07 REQUEST: Timber
SIZE: 20 acres ZONE: FP
Tax # 222107-9038

FILE No. L92CT006

OWNER: JAMES H. & DONITA L. ZELLER, 3240 S 368th PL, Auburn,
WA 98001
LOCATION: N1/2 of the SE 1/4 of the SW 1/4 of Section 22,
Township 21N, Range 7E WM King County, Black Diamond area
STR: SW 22-21-7 REQUEST: Timber
SIZE: 20 acres ZONE: FP
Tax # 222107-9039

FILE No. L92CT007

OWNER: DANIEL G. VANHOOF, 46727 244th Ave SE, Enumclaw, WA
98022
LOCATION: The south half of the Southeast quarter of the
Southwest quarter of Section 22, Township 21 North, Range 7
East, W.M., Black Diamond area
STR: SE, SW, 22-21-07 REQUEST: Timber
SIZE: 19.26 acres ZONE: FP
Tax # 222107-9043

FILE No. L92CT008

OWNER: EUGENE L. DUPUIS, 4026 - 52nd Ave SW, Seattle, WA
98116
LOCATION: N 1/2 of S.W. 1/4 of S.W. 1/4 of S.W. 1/4 Less Co
Rd, Sec 36, TWP 22, RG 02, Vashon Island
STR: SW, SW, 36-22-2 REQUEST: Timber
SIZE: 4.96 acres ZONE: AR10P
Tax # 362202-9021

93-173

93-173

Introduced by:

AUDREY GRUGER

PROPOSED ORDINANCE

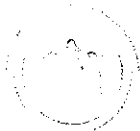
NO. 99-173

AN ORDINANCE for Current Use Assessment Application
for TIMBER petitioned by JAMES H. & DONITA L.
ZELLER and designated Development
and Environment Services File No. L92CT006

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

SECTION I.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23


**King County
Environmental Division**

Department of
Development and Environment Services

3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

(206) 296-6602

10885

RECEIVED
93 MAR -3 PM 3:30
KING COUNTY COUNCIL

March 3, 1993

King County Councilmembers
Room 402
C O U R T H O U S E

ATTN: Jerry Peterson, Clerk of the Council

RE: Introductory Ordinances for File Numbers

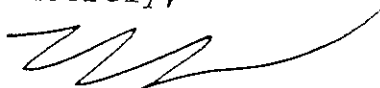
L92CT003, L92CT005, L92CT006, L92CT007, L92CT008, L92CT009,
L92CT010, L92CT011, L92CT014, L92CT015, L92CT016, L92CT017,
L92CT018, L92CT019, L92CT020, L92CT021, L92CT022, L92CT023,
L92CT026, L92CT027

Dear Councilmembers:

Attached are Introductory Ordinances for the items listed on
the Zoning and Subdivision Examiner's agenda scheduled for
public hearing on April 22, 27, and 29, 1993.

A copy of the agenda is attached for your information.

Sincerely,



Richard Tucker
Program Analyst

RT:mv

Attachments



King County Council

James N. O'Connor, Zoning & Subdivision Hearing Examiner

300 Prefontaine Building
110 Prefontaine Place South
Seattle, Washington 98104

(206) 296-4660

10885

RECEIVED
JUN 10 AM 9:45
CLERK
KING COUNTY COUNCIL

Mr. Gerald Peterson
Clerk of the Court
Suite 403
King County Courthouse
Seattle, WA 98104

June 10, 1993

Re: Department of Development and Environmental Services
File No. L92CT006

Dear Mr. Peterson:

Attached you will find the report of the Zoning and Subdivision Examiner recommending that the Council approve, subject to standard and specific conditions, the timber land designation application, as amended, for current use valuation submitted by JAMES AND DONITA ZELLER.

Also attached is an ordinance indicating the Council's concurrence with said report.

If the attached ordinance is passed by the Council, please transmit a copy to the Department of Development and Environmental Services, Environmental Division.

Very truly yours,

James N. O'Connor
Zoning and Subdivision Examiner

10885

May 21, 1993

OFFICE OF THE ZONING AND SUBDIVISION EXAMINER
KING COUNTY, WASHINGTON
300 Prefontaine Building
110 Prefontaine Place South
Seattle, Washington 98104

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental
Services File No. L92CT006
Proposed Ordinance No. 93-173

Open Space Taxation (Current Use Assessment)
for Timber Land

Application of JAMES AND DONITA ZELLER

Location: N 1/2 of SE 1/4 of SW 1/4 of
Section 22, Township 21 N, Range 7
E. WM King County

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve 19.48 acres, subject to conditions
Division's Final:	Approve 18.98 acres, subject to conditions
Examiner:	Same as above

PRELIMINARY REPORT:

FINDINGS:

1. General Information:

Owner: See "SUBJECT" above
 Location: See "SUBJECT" above
 Zoning: F-P
 Acreage:
 Property Total: 19.48 acres
 Requested for Timber
 (Initial Request): 19.48 acres
 Amended Request for Timber: 18.98 acres
 Recommended by DDES: 18.98 acres
 STR: SW 22-21-07

2. Except as modified herein, the facts set forth in the King County Department of Development and Environmental Services Preliminary Report to the Zoning and Subdivision Examiner for the April 27, 1993, public hearing are found to be correct and are incorporated herein by this reference. Copies of the said Report will be attached to the copies of this Report submitted to the King County Council.
3. At the public hearing, the applicant requested that one-half acre of the subject property be excluded from current use valuation, to enable its development as a home site.

CONCLUSIONS:

1. The property proposed for current use valuation meets the requirements of KCC 20.36.110, and the subject application for current use taxation as timber land, as amended, should be approved.

RECOMMENDATION:

APPROVE the subject application for current use classification of 18.98 acres as timber land, as amended, subject to the attached standard conditions of approval; and subject to the applicant

NOTICE OF
RIGHT TO APPEAL AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before June 4, 1993. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before June 11, 1993. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within thirty (30) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action

Exhibit No. 12 Application (in triplicate) received
September 30, 1992

Exhibit No. 13 Legal description received September 30, 1992

Exhibit No. 14 Assessor maps received September 30, 1992

Exhibit No. 15 Justification Form received September 30, 1992

Exhibit No. 16 Letter to James and Donita Zeller from George
Kritsonis dated July 30, 1992

Exhibit No. 17 Situs File Information dated September 30, 1992

Exhibit No. 18 Fee Invoice dated September 30, 1992

Exhibit No. 19 Letter to George Kritsonis from Sue Comis dated
January 19, 1993

Exhibit No. 20 Vicinity map made January 1993

Exhibit No. 21 Ordinance made February 2, 1993

Exhibit No. 22 Agenda for Hearing April 27, 1993

Exhibit No. 23 Notice of Public Hearing

Exhibit No. 24 Letter to Sue Comis from Scott Noble dated
January 28, 1993

Exhibit No. 25 Letter to James and Donita Zeller from Sue
Comis dated March 22, 1993

Exhibit No. 26 Copy of Affidavit of Publication

L92CT006/Zeller
JNOC:gb
Attachment
\curr-use\l92ct006.rpt

STANDARD CONDITIONS FOR
CURRENT USE CLASSIFICATION

10885

1. Within sixty (60) days from the date of Council action on the application, the applicant shall file with the Department of Development and Environmental Services a letter from the King County Department of Health certifying that all residences on the property are served by a sewage disposal system which is adequate to prevent the pollution of surface and ground waters.
2. Classification of the subject property shall be subject to the mutual covenants and conditions contained in Washington State Department of Revenue Form PTF 81, "Open Space Taxation Agreement", and subject to the following conditions which shall be added to said Open Space Taxation Agreement form:
 - a. Any residence on the property shall be served by a sewage disposal system which is maintained in an operating condition adequate to prevent the pollution of surface and ground waters.
 - b. Within one (1) year of the effective date of the Open Space Taxation Agreement, the applicant shall obtain a Forest Management Plan for the subject property that is acceptable by King County.
 - c. The subject property shall be managed in accordance with said Forest Management Plan during the term of the Open Space Taxation Agreement.
 - d. Withdrawal from classification. When land has once been classified under this chapter, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land, which shall be irrevocable, may be given by the owner to the county assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter.

10885

DEPARTMENT OF DEVELOPMENT AND
ENVIRONMENTAL SERVICES

PRELIMINARY REPORT TO THE ZONING AND SUBDIVISION EXAMINER
APRIL 27, 1993 - PUBLIC HEARING

APPLICANT: James H. and Donita L. Zeller FILE NO: L92CT006

A. GENERAL INFORMATION:

Owner: James H. and Donita L. Zeller
 3240 S 368th Pl.
 Auburn, WA 98001
 Phone: (206) 838-4083

Location: N 1/2 of SE 1/4 of SW 1/4 of
 Section 22, Township 21 N, Range 7
 E. WM King County

Request: Timber

Zoning: F-P

Acreage

Total	19.48 acres
Requested for Timber	19.48 acres
Recommended	19.48 acres

STR: SW, 22-21-07

B. FACTS:

1. Zoning in the Vicinity: The property and neighboring properties are zoned F-P.
2. Development of the subject Property: The property is presently undeveloped and the entire parcel contains timber.
3. Site Use: The site contains cedar and fir approximately 1' to 9' tall. The applicant has made arrangements with the Washington Department of Natural Resources for a timber management plan. The plan has not yet been submitted.

It is the intent of this chapter to implement RCW 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessment on "open space lands" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020. the provisions of Chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered by this chapter. (Ord. 10511 Sec. 3, 1992; Ord. 1886 Sec. 1, 1974; Ord. 1076 Sec. 1, 1971.)"

COMMENT: The subjects of forestry and forestry production districts are part of the King County Comprehensive Plan (1985). The objectives and policies of the Comprehensive Plan are addressed in Paragraph D below.

2. KCC 20.36.110 Current use taxation of timber land.

"Classification of timber land for current use taxation under the provisions of RCW 84.34 shall be in accordance with the following criteria:

A. The property to be classified shall contain not less than five acres and not more than twenty acres of timber land; and

B. The property must be within an established FR (forestry recreation), F (forest resource), A (agricultural) or A-R (rural area) zone. (Ord. 9322, 1990; Ord. 2537 Sec. 2, 1975)

COMMENT: The parcel contains 19.48 acres of land which is within the 5 - 20 acre range, it is zoned F-P.

D. 1985 COMPREHENSIVE PLAN POLICIES AND TEXT:

RL-201

"The primary land use within Forest Production Districts should be commercial forestry. Other resource industries such as extraction and agriculture should be permitted with Forest Production Districts when managed to be compatible with forest management. Residential development should be discouraged within forest production districts (individual residences on existing parcels of land, however, are permitted)."

COMMENT: Comments from the King County Assessor's Office

10885

APPROVE the subject request for current use taxation "Timber Land" classification subject to the applicable standard conditions of approval.

TRANSMITTED to the parties listed hereafter:

James and Donita Zeller, 3240 S 368th Pl., Auburn, WA 98001
George Kritsonis, King County Assessor's Office