



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 2, 2002**

**Ordinance 14321**

**Proposed No. 2002-0110.2**

**Sponsors Sullivan**

1 AN ORDINANCE correcting an error in the address  
2 regarding the concurrence with the recommendation of the  
3 hearing examiner to approve, subject to conditions, the  
4 application for current use assessment for timberland  
5 submitted by Daniel G. Stencil for property located at 22028  
6 SE Auburn-Black Diamond Road, Auburn, designated  
7 department of natural resources, water and land resources  
8 division, file no. E01CT002; and amending Ordinance  
9 14288, Section 1.

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**BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

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**SECTION 1. Ordinance 14288, Section 1, is hereby amended to read as follows:**

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**This ordinance does hereby adopt and incorporate herein as its findings and**

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**conclusions the findings and conclusions contained in the report and recommendation of**

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**the hearing examiner dated January 11, 2002, to approve, subject to conditions, the**

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**application for current use assessment for timberland submitted by Daniel G. Stencil for**

Ordinance 14321

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18 property located at (~~(32028 SE Auburn-Black Diamond Road, Black Diamond)~~) 22028  
19 SE Auburn-Black Diamond Road, Auburn, designated department of natural resources,  
20 natural resources division, file no. E01CT002, and the council does hereby adopt as its  
21 action the recommendation or recommendations contained in the report.  
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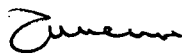
Ordinance 14321 was introduced on 3/4/2002 and passed by the Metropolitan King  
County Council on 4/1/2002, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.  
Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague,  
Mr. Irons and Ms. Patterson  
No: 0  
Excused: 1 - Mr. Pullen

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:

  
\_\_\_\_\_

Anne Noris, Clerk of the Council

Attachments      A. Hearing Examiner Report dated March 27, 2002

14321

March 27, 2002

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION**

**SUBJECT:** Department of Natural Resources, Water and Land Resources Division File No. **E01CT002**  
Proposed Ordinance No. **2002-0110**

Open Space Taxation (Current Use Assessment) for Timberland  
Application of **Daniel G. Stencil**  
27049 118<sup>th</sup> Place SE  
Kent, WA 98031

Location of Property: 22028 SE Auburn-Black Diamond Road  
Auburn, Washington

*This revised report is only to correct the address for the Daniel G. Stencil property.*

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve 5.12 acres
Department's Final:	Approve 5.12 acres
Examiner:	Approve 5.12 acres

**PRELIMINARY REPORT:**

The Department of Natural Resources, Water and Land Resources Division Report on Item No. E01CT002 was received by the Examiner on December 17, 2001.

**PUBLIC HEARING:**

After reviewing the Department of Natural Resources, Water and Land Resources Division Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E01CT002 was opened by the Examiner at 9:30 a.m., December 17, 2001, in the Eighth Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, Washington, and closed at 10:15 a.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. General Information:

Owner:	See "SUBJECT" above
Location:	See "SUBJECT" above
Zoning:	RA5
STR:	NW-SE-16-21-06

Acreage:

Property Total:	6.04 acres
Requested for Timber:	5.12 acres
Recommended:	5.12 acres

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources, Water and Land Resources Division Preliminary Report to the King County Hearing Examiner for the December 17, 2001, 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.

**CONCLUSIONS:**

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

**RECOMMENDATION:**

APPROVE the subject request for current use taxation, "timberland" classification, for 5.12 acres, subject to the Applicant's compliance with the approved forest stewardship plan and the State of Washington, Department of Revenue, Open Space Taxation Agreement Form REV 64 0022(8-27-99).

RECOMMENDED this 27<sup>th</sup> day of March, 2002.

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Stafford L. Smith

King County Hearing Examiner

TRANSMITTED this 27<sup>th</sup> day of March, 2002, to the following parties and interested persons:

Daniel G. Stencil  
27049 118<sup>th</sup> Place SE  
Black Diamond, WA 98031

Susan Monroe, Department of Assessments  
Ted Sullivan, Department of Natural Resources

MINUTES OF THE DECEMBER 17, 2001 PUBLIC HEARING ON DEPARTMENT OF NATURAL  
RESOURCES FILE NO. E01CT002:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Ted Sullivan. No others participated in this hearing.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Not Submitted
- Exhibit No. 2 Not Submitted
- Exhibit No. 3 Not Submitted
- Exhibit No. 4 Timberland Staff Report
- Exhibit No. 5 Affidavit of Publication received
- Exhibit No. 6 Notice of hearing, Office of Hearing Examiner
- Exhibit No. 7 Notice of hearing, Timberland Program
- Exhibit No. 8 Legal notice and introductory ordinance to Council
- Exhibit No. 9 Application Signed/Notarized
- Exhibit No.10 Legal Description of designated Timberland area
- Exhibit No.11 Assessor Map (only in original file)
- Exhibit No.12 King County Assessor's Database
- Exhibit No.13 Arcview Map
- Exhibit No.14 Forest stewardship plan
- Exhibit No.15 DNR forest stewardship approval (12/3/01)
- Exhibit No.16 Orthophoto (Summer 2000)

This document is provided for information only. DO NOT complete and return. A completed copy will be furnished to the Applicant(s) by the Office of the Hearing Examiner after an application has been approved by the Metropolitan King County Council.

OPEN SPACE TAXATION AGREEMENT
Chapter 84.34 RCW

(To be used for "Open Space", "Timber Land" Classification or "Reclassification" Only)

Owner(s)
Granting Authority
Legal Description

Assessor's Property Tax Parcel or Account Number
Department of Natural Resources File Number
This agreement between

hereinafter called the "Owner", and

hereinafter called the "Granting Authority".

Whereas the owner of the above described real property having made application for classification of that property under the provisions of Chapter 84.34 RCW.

And whereas, both the owner and granting authority agree to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic, and economic asset to the public, and both parties agree that the classification of the property during the life of this agreement shall be for:

- Open Space Land
Timber Land

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein, do agree as follows:

- 1. During the term of this agreement, the land shall be used only in accordance with the preservation of its classified use.
2. No structures shall be erected upon such land except those directly related to, and compatible with, the classified use of the land.
3. This agreement shall be effective commencing on the date the legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
4. This agreement shall apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.
5. Withdrawal: The landowner may withdraw from this agreement if, after a period of eight years, he or she files a request to withdraw classification with the assessor. Two years from the date of that request the assessor shall withdraw classification from the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.
6. Breach: After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), or (9), shall be considered a breach of this agreement, and shall be subject to removal of classification and liable for applicable taxes, penalties, and interest as provided in RCW 84.34.080 and RCW 84.34.108.

- 7. A breach of agreement shall not have occurred and the additional tax shall not be imposed if removal of classification 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 in anticipation of the exercise of such power and having manifested its intent in writing or by other official action.
    - c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the land owner 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 disallowing the present use of such land.
    - e) Transfer of land to a church when such land would qualify for 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(5)(f)).
    - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
    - 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.
    - j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
  - 8. The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this agreement.
  - 9. Reclassification as provided in Chapter 84.34 RCW.
- This agreement shall be subject to the following conditions:

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It is declared that this agreement specifies the classification and conditions as provided for in Chapter 84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property may be annulled or canceled at any time by the Legislature.

Granting Authority:

Dated \_\_\_\_\_

\_\_\_\_\_ City or County

\_\_\_\_\_ Title

As owner(s) of the herein-described land I/we indicated by my/our signature(s) that I am/we are aware of the potential tax liability and hereby accept the classification and conditions of this agreement.

\_\_\_\_\_ Owner(s)

Dated \_\_\_\_\_

\_\_\_\_\_ (Must be signed by all owners)

Date signed agreement received by Legislative Authority \_\_\_\_\_