

April 6, 1998

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Natural Resources, Water and Land Resources Division File No. **E97CT060**
Proposed Ordinance No. **98-132**

Open Space Taxation (Current Use Assessment) for Timber Land
Application of **William Buehl**, 7832 SW 204th, Vashon, WA 98070

Location: 23940 Wax Orchard Road Southwest, Vashon Island, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

PRELIMINARY REPORT:

The Department of Natural Resources, Water and Land Resources Division Report on Item No. **E97CT060** was received by the Examiner on March 16, 1998.

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. E97CT060 was opened by the Examiner at 10:09 a.m., March 30, 1998, in Hearing Room No. 402 (Snoqualmie Room), King County Court House, 516 Third Avenue, Seattle, Washington, and closed at 10:12 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: William Buehl, 7832 SW 204th, Vashon, WA 98070
 Location: 23940 Wax Orchard Road Southwest, Vashon Island, Washington
 Zoning: RA5
 STR: SW-SW-13-22-02 and NW-NW-24-22-02
 Acreage:
 Property Total: 14.79 acres
 Requested for Timber: 12.14 acres
 Recommended: 12.14 acres

2. William Buehl, Applicant, appeared as agent for himself. Mr. William Buehl testified that he, the Applicant, has read, understands and agrees to the conditions of current use taxation approval and to the requirements and recommendations contained in the Timber Management Plan.

3. 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 March 30, 1998, 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 timber land should be approved.

RECOMMENDATION:

APPROVE the subject application for current use classification of 12.14 acres as timber land, subject to the attached standard conditions of approval.

RECOMMENDED this 6th day of April, 1998.

R. S. Titus, Deputy
 King County Hearing Examiner

TRANSMITTED this 6th day of April, 1998, to the parties and interested persons shown on the attached list.

**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 April 20, 1998*. 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 April 27, 1998*. 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 on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) 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 taken.

MINUTES OF THE MARCH 30, 1998 PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES FILE NO. E97CT060 – WILLIAM BUEHL:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were William Buehl, and Ted Sullivan/DNR.

The following exhibits were offered and entered into the record:

Exhibit No. 1 through 3	<i>not entered</i>
Exhibit No. 4	Department of Natural Resources Preliminary Report to the King County Hearing Examiner for the March 30, 1998 public hearing
Exhibit No. 5	Introductory Ordinance to Council
Exhibit No. 6	Affidavit of Publication
Exhibit No. 7	Legal Notice to Council
Exhibit No. 8	Notification to Applicant of Hearing
Exhibit No. 9	Application signed/notarized
Exhibit No. 10	Legal Description
Exhibit No. 11	Legal description of designated timber land
Exhibit No. 12	Assessor Maps
Exhibit No. 13	King County Situs Report
Exhibit No. 14	King County Assessors Database
Exhibit No. 15	Site map
Exhibit No. 16	Arcview map
Exhibit No. 17	Forest management plan
Exhibit No. 18	Notice of Hearing, Office of the Hearing Examiner