

RESOLUTION NO. 36 - 2010

**A RESOLUTION GRANTING WALLEMBERG TIMBER OPEN SPACE CLASSIFICATION
APPLICATION NO. PTOSOP-10-0001 ON ORCAS ISLAND**

BACKGROUND

- A. RCW 84.34.041 provides for current use tax classification on timber land that is devoted primarily to the growth and harvest of timber for commercial purposes; and
- B. RCW 84.34.020(3) defines "timber land" as "any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but not more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products."; and
- C. RCW 84.34.041 sets out the statutory requirements for obtaining open space timber current use classification; and
- D. RCW 84.34.041 provides that a landowner may apply to the San Juan County Council for current use classification of timberland; and
- E. The Department of Revenue has adopted rules governing applications for timber open space in WAC 458-30-232; and
- F. WAC 458-30-232 further defines "stand of timber" as a stand of trees that will yield log and/or fiber: (a) Suitable in size and quality for the production of lumber, plywood, pulp, or other forest products; and (b) Of sufficient value to cover at least all the costs of harvest and transportation to available markets."
- G. RCW 84.34.041(3) also relies on the definition of "timber" as set out in RCW 76.09.020; and
- H. RCW 76.09.020 defines "timber" as "forest trees, standing or down, of a commercial species, including Christmas trees. However, 'timber' does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035."; and
- I. RCW 84.34.041 requires the property owner to provide a timber management plan containing information set out in RCW 84.34.041(1); and
- J. Lorraine Kanis Wallenberg ("Owner") submitted a complete application on March 31, 2010 for timber open space classification (File Number PTOSOP-10-0001) for about 15.4 acres on two tax parcels, number 261142003 and 261142001 on Rustic Homestead Lane, on Orcas Island and
- K. The Owner submitted a Forest Management Plan in support of their application; and
- L. The Planning Commission held a properly advertised public hearing on June 17, 2010; and

M. The Planning Commission recommended approval of the application subject to the following condition: Approval subject to adherence to the Forest Management Plan and addendums. Control of scotch broom and tansy ragwort will be addressed annually as appropriate to the specie, in consultation with the San Juan County Noxious Weed Control Board, starting in 2010. Prior to Council action on the proposal, the above weed control language shall be added to the plan.

N. The San Juan County Council held a properly advertised public hearing on August 10, 2010, and finds that the application meets the requirements of RCW 85.34.041 and WAC 458-30-232.

NOW, THEREFORE, BE IT RESOLVED by the County Council of San Juan County, state of Washington, as follows:

1. The request for timber open space classification is approved, subject to adherence to the approved forest management plan and addendums and Open Space Taxation Agreement. Control of scotch broom and tansy ragwort will be addressed annually as appropriate to the specie, in consultation with the San Juan County Noxious Weed Control Board, starting in 2010.
2. The County Administrator is authorized to sign the Open Space Taxation Agreement on behalf of the Council.

ADOPTED this 24th day of AUGUST 2010.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

Richard Fralick
Richard Fralick, Chair
District 4, Orcas West/Waldron

By: *Ingrid Gabriel*
Ingrid Gabriel - Clerk
Date: Aug 24, 2010

Lovel Pratt
Lovel Pratt, Vice-Chair
District 1, San Juan South

REVIEWED BY COUNTY ADMINISTRATOR
Pete Rose
Pete Rose Date: 8-13-10

Richard Peterson
Richard Peterson, Member
District 2, San Juan North

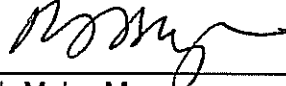
APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

Howard Rosenfeld
Howard Rosenfeld, Member
District 3, Friday Harbor

By: *Karen Vedder* 8/13/10
Date:

Gene Knapp
Gene Knapp, Member

District 5. Orcas East



Bob Myhr, Member
District 6, Lopez/Shaw