

BEFORE THE OKANOGAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)

OPEN SPACE TIMBER APPLICATION OST 2013-12)

DAVID B. HANNA)

FINDINGS OF FACT, CONCLUSIONS, AND DECISION

This matter, an application for open space timber classification was heard by the Okanogan County Hearings Examiner on February 13, 2014.

FINDINGS OF FACT

1. The property involved meets the minimum qualification standards of RCW 84.34 and Okanogan County Code, Chapter 14.09 for enrollment into Okanogan County's Open Space Timber Program.
2. On December 18, 2013 a complete application for Open Space Timber was vested.
3. The property is identified by tax parcel 3929252009.
4. The Comprehensive Plan Designation for the property is Unclassified.
5. The Zoning Designation for the property is Minimum Requirement District.
6. Notice of Application and public hearing was mailed to three (3) adjacent landowners on January 3, 2014.
7. Copies of the application, along with notice of the application and public hearing were mailed to 20 commenting agencies on January 3, 2014.
8. On February 13, 2014, the Okanogan County Hearings Examiner conducted a public hearing for this project. At said hearing, the applicant, County staff, and the public were given opportunity to enter testimony into the record.
9. At the hearing, Clay Brown, Forester and author of the timber management plan was present to represent the client.

CONCLUSIONS

1. This application has met the minimum enrollment qualification requirements of the Open Space Tax Act (RCW 84.34) and the Open Space Timber Program (Okanogan County Code 14.09) and is not ineligible lands under the same.
2. The property (3929252009) that is the subject of this Open Space Timber application is in contiguous ownership of five (5) or more acres that are devoted primarily to the growth and harvest of forest crops. According to the Forest Management Plan, the parcel is devoted to the growth of timber.
3. The Hanna Open Space Timber 2013-12 tax classification application is consistent with the Okanogan County Comprehensive Plan.
4. The Hanna Open Space Timber 2013-12 tax classification application is consistent with the Okanogan County Zoning Ordinance.
5. This application is in compliance with all current Okanogan County Land Use Codes.
6. Hanna Open Space Timber 2013-12 tax classification application, including the Forest Management Plan, complies with all application requirements of Okanogan County Code, Chapter 14.09 “Open Space Timber Program”.
7. The Hanna Open Space Timber 2013-12 tax classification application has a Forest Management Plan that shows how the subject property will be managed to provide for long-term productivity of the timber on the site.
8. The Hanna Open Space Timber 2013-12 tax classification application is complete and fees have been paid in accordance with Okanogan County Code, Chapter 14.09, “Open Space Timber Program”, WAC 458-30-232 “Application For Timber Land Classification”, and RCW 84.34 “Open Space, Agricultural, Timber Lands—Current Use—Conservation Futures”.
9. All procedural requirements for this proposal have been met in accordance with OCC 14.09.
10. The conditions imposed are not unnecessarily onerous.

11. Comments from the public and state, federal, and local agencies were received, reviewed, and considered in analysis of this proposal.

DECISION

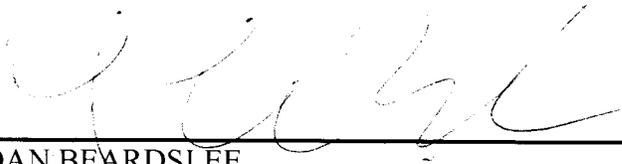
Based upon the information contained in the application materials, and additional information provided at the hearing, application OST 2013-12 is RECOMMENDED FOR APPROVAL, subject to the conditions noted below:

CONDITIONS OF APPROVAL

1. The landowner shall follow the harvest management guidelines as set forth in the submitted Forest Management Plan in order for continued enrollment in the Open Space Timber Program.
2. All taxes are to be current for present year prior to tax agreement being signed.
3. It is the responsibility of the landowner to control invasive Noxious Weeds within their boundaries, if the landowner fails to perform Noxious Weed Control. The Okanogan County Noxious Weed Control Board Reserves the right to utilize such control actions/measures necessary to accomplish control requirements as stated in RCW 17-10 & WAC 16-750.

Dated this 15th day of February, 2014.

OKANOGAN COUNTY HEARING EXAMINER



DAN BEARDSLEE

Any aggrieved party of record that believes the final decision of the examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgment, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the examiner hearing may make a written request for reconsideration by the examiner within 14 days of the filing of the written record of decision. The request for reconsideration shall be submitted to the planning department on forms provided by the department. Reconsideration of the decision is wholly within the discretion of the examiner; if the examiner chooses to reconsider, he may revise the decision as he deems appropriate, and may issue a revised record of decision within 10 days of the reconsideration heard by the examiner. A request for reconsideration is not a prerequisite to an appeal.