

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: County Council				6/14/94	Council
Division Head:					
Dept. Head:					
Prosecutor:	DG	6/3/94			
Purchasing/Budget:					
Executive:					

SUBJECT:

Resolution regarding re-opening consideration of application to seek open space/timber classification, filed by Karlheinz Schwab

ATTACHMENTS:

- Resolution
- Misc. memos

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #: n/a	Should Clerk schedule a hearing? NO /x/ YES / / Requested date:
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What Mr. Schwab is asking for is to be able to start over. He would like to have the Council completely do away with the previous application and re-open the process; allowing him to re-apply , submitting a timber management plan with his application.

According to Dan Gibson, re-opening the process would need to be done in resolution form. If the Council decides to re-open the process, accrual of interest and penalties would cease until the date the Council makes a final decision. If the Council decides in Mr. Schwab's favor, interest and penalties would not have to be paid, and Mr. Schwab could start from scratch. If the Council decides against Mr. Schwab, interest and penalties would need to be paid.

CLERK'S RECOMMENDED MOTION (for final action):

"I move that the Council approve the resolution."

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

6/14/94: Council approved the resolution.

1

RESOLUTION NO. 94-031

2 RE-OPENING CONSIDERATION OF APPLICATION TO SEEK OPEN SPACE /
3 TIMBER CLASSIFICATION, FILED BY KARLHEINZ SCHWAB

4 WHEREAS, Application by Kenneth G. Brodahl for Designated Forest was approved
5 on March 23, 1979 and filed in the Auditor's Office on April 26, 1979 under Auditor's File
6 Number 1321710. This parcel was a total of 37.5 acres and the parcel number was 390104
7 344070 0000, and

8 WHEREAS, Mr. Brodahl applied for a transfer to Open Space/Timber on
9 November 20, 1987 to Assessor's Office. On December 4, 1987 the application was
10 forwarded to the Council Office, and

11 WHEREAS, On January 1988 the property was segregated into four parcels:

- | | | | |
|----|----|--------------------|-----------------|
| 12 | a. | 390104 384070 0000 | 9.62 acres |
| 13 | b. | 390104 351070 0000 | 9.63 acres |
| 14 | c. | 390104 317070 0000 | 9.62 acres |
| 15 | d. | 390104 285070 0000 | 9.13 acres, and |

16 WHEREAS, On December 3, 1987 Robert and Florence Bishop purchased parcel
17 number 390104 285070 0000 which was 9.63 acres. Excise was signed off by the Assessor's
18 Office "subject to approval of change of use" on December 4, 1987, and

19 WHEREAS, On January 18, 1988 James T. and Destri R. Stone purchased parcel
20 number 390104 384070 0000. Excise was not signed off by the Assessor's Office, and

21 WHEREAS, On January 26, 1988 Mark Wilson purchased parcel number 390104
22 317070 0000. Excise was not signed off by the Assessor's Office, and

1 WHEREAS, On July 5, 1989 Rodney D. Moore purchased parcel number 390104
2 351070 0000, and

3 WHEREAS, On June 6, 1990 Robert and Florence Bishop sold their parcel to John
4 and Dorothy Abbott. Excise was signed "subject to approval of change of use" on June 6,
5 1990, and

6 WHEREAS, On October 14, 1991 John & Dorothy Abbott sold their parcel to
7 Karlheinz Schwab and Leslie Graney. Excise was signed "subject to approval of change of
8 use" on October 15, 1991, and

9 WHEREAS, Parcel 390104 351070 0000 and 390104 384070 0000 were approved for
10 transfer to Open Space/Timber for 1993/1994, and

11 WHEREAS, on October 10, 1992 the Whatcom County Council denied the
12 application for transfer on parcel number 390104 285070 0000, the west half of the west half
13 of the southwest quarter of the southeast quarter of section 4, township 39 north, range 1
14 east of W.W., except county road no. 600 (Grandview Road) and except that portion
15 conveyed to Whatcom County by deed recorded under Auditor's file no. 1078699, situate
16 in Whatcom County, State of Washington, and

17 WHEREAS, notification of the denial was sent to the filers of the original
18 application for transfer on November 17, 1992, and

19 WHEREAS, the property had changed ownership and the new owner, Karlheinz
20 Schwab, was not sent notice until after May 5, 1993, and

21 WHEREAS, Karlheinz Schwab filed a letter of appeal with the Whatcom County
22 Board of Equalization on January 24, 1994, stating he could not timely petition the denial
23 because he was out of the county at the time of notification and, therefore, did not receive
24 his mail, and


25 WHEREAS, upon review, the Prosecutor's Office finds that this situation merits
26 special treatment because of the long delay (5 years) in processing this application, and the

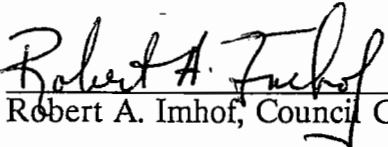
1 fact that Schwab was out of the county when the notice of the decision was sent to him,
2 NOW THEREFORE BE IT RESOLVED that Karlheinz Schwab is hereby granted
3 permission to submit an application to seek open space/timber classification for the property
4 identified as parcel number 390104 285070 0000; and

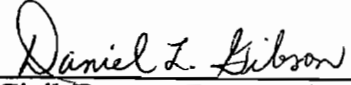
5 BE IT FURTHER RESOLVED that Karlheinz Schwab must submit a properly
6 completed application and timber management plan, in accordance with the requirements
7 of Whatcom County procedures, by November 1, 1994; and

8 NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that if
9 said application and management plan are not received by the Whatcom County Council
10 Office by November 1, 1994, the County will have discharged any obligation to reopen
11 consideration of this matter.

12 APPROVED this 14th day of June, 1994.

13
14 ATTEST:
15 
16 Ramona Reeves, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Robert A. Imhof, Council Chair

17 APPROVED AS TO FORM:
18 
19 Daniel L. Gibson
Civil Deputy Prosecuting Atty.