



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 4, 2011**

**Ordinance 17055**

**Proposed No. 2011-0024.2**

**Sponsors Gossett**

1 AN ORDINANCE concurring with the recommendation  
2 of the hearing examiner to approve, subject to conditions,  
3 the application for current use assessment for timberland  
4 submitted by I. Whitfield and Mary S. Carhart for  
5 property located at 25457 86th Place SW, Vashon, WA  
6 98070, designated department of natural resources and  
7 parks, water and land resources division file no.  
8 E10CT025.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

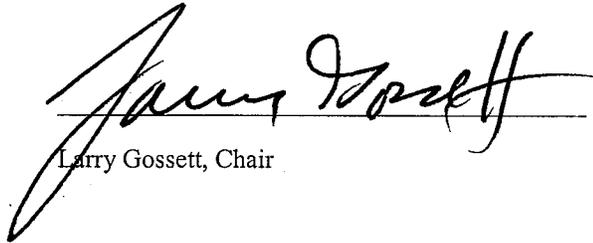
10 SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
11 findings and conclusions the findings and conclusions contained in the report and  
12 recommendation of the hearing examiner dated March 14, 2011, to approve, subject to  
13 conditions, the application for current use assessment for timberland submitted by I.  
14 Whitfield and Mary S. Carhart for property located at 25457 86th Place SW, Vashon,  
15 WA 98070, designated department of natural resources and parks, water and land

16 resources division file no. E10CT025, and the council does hereby adopt as its action the  
17 recommendation or recommendations contained in the report.  
18

Ordinance 17055 was introduced on 1/18/2011 and passed by the Metropolitan King County Council on 4/4/2011, by the following vote:

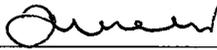
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.  
McDermott  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



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Anne Noris, Clerk of the Council

**Attachments:** A. Hearing Examiner Report dated March 14, 2011

March 14, 2011

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

516 Third Avenue, Room 1200  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-0198  
Email: hearingexaminer@kingcounty.gov

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** Department of Natural Resources & Parks (DNRP), Water & Land Resources Division  
file no. **E10CT025**  
Proposed Ordinance No. **2011-0024**

Open Space Taxation (Current Use Assessment) for Timber Land  
Application of  
**I. WHITFIELD AND MARY S. CARHART**  
P.O. Box 1897  
Vashon, Washington 98070

Location of Property: 25457 86th Place SW  
Vashon, Washington

**SUMMARY OF RECOMMENDATIONS:**

Department Preliminary:	Approve 13.90 acres (4.66 acres contingent)
Department Final:	Approve 13.90 acres (4.66 acres contingent)
Examiner:	Approve 13.90 acres (4.66 acres contingent)

**PRELIMINARY REPORT:**

The Department of Natural Resources & Parks, Water and Land Resources Division Report on item no. E10CT025 was received by the Examiner on February 28, 2011.

**PUBLIC HEARING:**

After reviewing the report and examining available information on file with the application, the Examiner conducted a public hearing on the application as follows:

The hearing on item no. E10CT025 was held by the Examiner on March 2, 2011, in the 12th Floor Horiuchi Conference Room, King County Courthouse, 516 3rd Avenue, Seattle, Washington.

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:	I. Whitfield and Mary S. Carhart	
Location:	25457 86th Place SW	
STR:	SE 20-22-03	
Zoning:	RA-2.5	
Parcel nos.:	202203-9030	202203-9060
Total acreage:	3.00 acres	2.85 acres
Recommended Timber Land:	2.37 acres	2.29 acres
Parcel nos.:	202203-9095	202203-9130
Total acreage:	6.50 acres	5.67 acres
Recommended Timber Land:	4.13 acres	5.11 acres

(The land area recommended for timber land enrollment is the entire parcel less the excluded area (4.12 acres), which is what has been calculated by DNRP. In the event the County Assessor's official parcel size is revised, the qualifying acreage shall be administratively adjusted to reflect that change.)

2. Timely application was made to King County for Timber Land current use valuation of the four parcels of the property to begin in 2012. (Parcel nos. 202203-9095 and 202203-9130, 9.24 acres in total, are presently enrolled in the timber land program (file E02CT022). Parcel nos. 202203-9030 and 202203-9060, 4.66 acres in total, are proposed to be added.) Notice of the application was given as required by law.
3. Except as modified herein, the facts set forth in the King County Department of Natural Resources & Parks, Water and Land Resources Division, Preliminary Report and testimony for the March 2, 2011, public hearing are found correct and are incorporated herein by reference. Copies of the department report will be provided with the copies of this Report submitted to the Metropolitan King County Council.
4. References to the parcel number ending in -9090 in sections B.2 and B.4 on page 2 of the staff report were revised at hearing to read -9095.
5. Parcel nos. 202203-9095 and 202203-9130 are presently enrolled in the timber land program and addressed by an existing forest stewardship plan. The added acreage from parcel nos. 202203-9030 and 202203-9060 will be consolidated with the existing acreage in one unified enrollment, but will be managed under a separate forest stewardship plan. Any open space taxation participation agreement signed as a result of approval of this application should accordingly be worded to supersede any and all prior agreements for the parcels.

6. Participation of the added acreage in the timber land program is *contingent upon approval of the submitted forest stewardship plan for the new acreage by July 1, 2011*. Failure to meet this requirement will preclude the additional acreage from enrollment in the timber land program at present. The existing enrollment would remain in effect.

CONCLUSION:

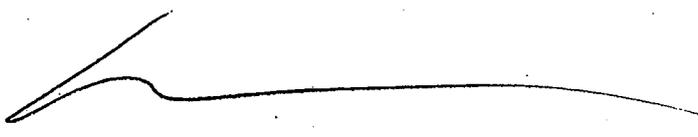
The property proposed for current use valuation meets the requirements of KCC Chapter 20.36.110, and the subject application for current use taxation as timber land should be approved.

RECOMMENDATION:

APPROVE current use taxation, "timber land" classification for 13.90 acres, contingent on approval of a forest stewardship plan as noted in Finding no. 5 above, subject to compliance with and implementation of the forest stewardship plan and execution of the State of Washington, Department of Revenue, Open Space Taxation Agreement Form REV 64 0022(7-23-02), and the following additional condition:

- A. Any open space taxation participation agreement signed as a result of approval of this application shall be worded to supersede any and all prior agreements for the subject property.

RECOMMENDED March 14, 2011.



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Peter T. Donahue  
King County Hearing Examiner

**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 \$250.00 (check payable to King County Office of Finance) *on or before March 28, 2011*. If a notice of appeal is filed, the original and 2 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 4, 2011*. 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 1200, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, 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 is final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) 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 2, 2011, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E10CT025:

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Ted Sullivan. There were no other participants 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 PBRs staff report
- Exhibit No. 5 Affidavit of Publication
- Exhibit No. 6 Notice of Hearing from the Hearing Examiner's Office
- Exhibit No. 7 Notice of Hearing from the PBRs program
- Exhibit No. 8 Legal notice and introductory ordinance to the County Council
- Exhibit No. 9 Application and signed/notarized affirmation
- Exhibit No. 10 Legal description of area to be enrolled
- Exhibit No. 11 Email to applicant re: received application and approval schedule
- Exhibit No. 12 Arcview and orthophoto/aerial map
- Exhibit No. 13 Email correcting parcel number
- Exhibit No. 14 Forest Stewardship Plan
- Exhibit No. 15 Email adding adjacent parcels to this application

PTD:mls  
E10CT025 RPT  
Attachment

17055

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 the 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)

Property Owner: XX  
Property Address: XX  
Granting Authority: King County, Washington  
Legal Description:

(legal description)

Assessor's Property Tax Parcel or Account Number:  
Department of Natural Resources & Parks File Number:  
This agreement is between XX  
King County, Washington

XXX  
E09C1053  
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:

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 hereof.
5. 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. 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(6)(f));

- g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);
  - 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 under RCW 76.13.120;
  - j) The creation, sale, or transfer of a fee interest or a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;
  - k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as forest land under chapter 84.33 RCW, or under chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used; or
  - l) The discovery that the land was classified in error through no fault of the owner.
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. The owner may apply for reclassification as provided in Chapter 84.34 RCW.
  10. This agreement shall supersede any previous current use taxation agreement entered into for the subject property.

This agreement shall be subject to the following conditions:

**See attached Hearing Examiner Report and Recommendation**

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 is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Granting Authority

Dated \_\_\_\_\_ King County, Washington

Bob Ferguson  
Chair of Council

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.

\_\_\_\_\_  
Print Name Signature

State of Washington  
County of \_\_\_\_\_

Subscribed and affirmed to before me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary's Signature

My Appointment Expires \_\_\_\_\_

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

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.