

6/8/93

Introduced by: Audrey Gruger

Proposed No.: 93-409

ORDINANCE NO. **10891**

1
2 AN ORDINANCE concurring with the joint
3 recommendation of the Parks, Open Space
4 and Natural Resources Committee and
5 Representatives from the City of
6 Woodinville City Council to approve,
7 subject to condtions, the open space land
8 designation application for current use
9 valuation of F. AILEEN NELSON,
10 designated Development and Environmental
11 Services File No. L92CT004

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 This ordinance does hereby adopt and incorporate herein as
14 its findings and conclusions the findings and conclusions
15 contained in the report and recommendation of the King County
16 Environmental Division staff, which was filed with the clerk of
17 the council June 10, 1993, to approve, subject to conditions
18 (modified), the open space land designation application for
19 current use valuation of F.Aileen Nelson, designated
20 Development and Environmental Services File No. L92CT004, and
21 the council does hereby adopt as its action


10891

1 the recommendation(s) contained in said report.

2 INTRODUCED AND READ for the first time this 24th day
3 of May, 1993.

4 PASSED this 14th day of June, 1993.

5 KING COUNTY COUNCIL
6 KING COUNTY, WASHINGTON

7 
8 Chair

9 ATTEST:

10 
11 Clerk of the Council

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15 Attachments:

16 Staff recommendation from King County Environmental Division

KING COUNTY COUNCIL

10891

PARKS, OPEN SPACE AND NATURAL RESOURCES COMMITTEE

COMMITTEE RECOMMENDATION

DATE: June 8, 1993

Proposed Ordinance 93-409: Application for Open Space petitioned by F. Aileen Nelson, property lying at 18155 151st NE, Woodinville

COMMITTEE RECOMMENDATION:

DO PASS

DO PASS SUBSTITUTE DATED 6-8-93*

DO NOT PASS

POSTPONE INDEFINITELY

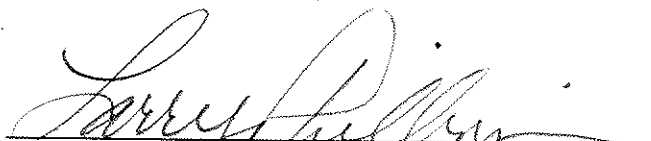
PASS OUT OF COMMITTEE (WITH NO RECOMMENDATION)


ATTACHMENTS ADOPTED BY THE ORDINANCE OR MOTION:

NONE

APPROVED AS REFERRED TO COMMITTEE

AMENDED BY COMMITTEE AND DATED _____ (List if more than one)


LARRY PHILLIPS, CHAIR


BRIAN DERBOWICK, VICE CHAIR

RECEIVED
93 JUN -8 AM 11:42
CLERK
KING COUNTY COUNCIL

**KING COUNTY/ CITY OF WOODINVILLE
RECOMMENDATION APPLICATION FOR CURRENT USE TAXATION/ PUBLIC
BENEFIT RATING SYSTEM**

APPLICANT: F. Aileen Nelson (Mrs. G.A. Nelson) FILE NO: L92CT004

A. GENERAL INFORMATION:

Owner: F. Aileen Nelson

Location: 18155 151st Avenue NE, Woodinville, WA 98072

Request:

Priority Resources Requested (Open Space)
Scenic resources, viewpoints and view corridors
Significant wildlife, plant and salmonid habitat
Urban or growth area open space
Geological features
Surface water quality buffer area

Zoning: SE

Acreage

Total	19.77
Requested for Open Space	16.00
Recommended	16.00

STR: 11-26-5

B. FACTS:

1. Zoning in the Vicinity: SE (within the newly incorporated city of Woodinville)

2. Development of the subject Property: 3.77 acres of 19.77 acre parcel includes single family home with attached carport; separate garage, and equipment shed and barn. 16 acres requested for open space is mixed woodland and steep slopes.

3. Site Use: The 3.77 acres of 19.77 acre parcel includes single family home with attached carport; separate garage, and equipment shed and barn, driveway and turnaround, septic tank and drainfield. There are no present or planned improvements on 16 acres proposed for open space.

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5. Assessed Value:

FILE NUMBER -L92CT004	SIZE	ASSESSED VALUE
112605-9008	nonclassified 3.77ac	238,000
por of	classified 16.00ac	199,800
	Total 19.77ac	437,800

Assessed value information furnished by and extracted from 3/2/93 letter from King County Assessor's Office. (Exhibit 29)

C. REQUIREMENTS SPECIFIED BY KING COUNTY CODE (KCC):

1. **KCC 20.36.010 Purpose and intent.**

"It is the in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

It is the intent of this chapter to implement RCW 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessment on "open space lands" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020. the provisions of Chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered by this chapter. (Ord. 10511 Sec. 3, 1992: Ord. 1886 Sec. 1, 1974: Ord. 1076 Sec. 1, 1971.)"

COMMENT: The completed application was received on August 31, 1992.

2. **KCC 20.36.100 Criteria for approval - public benefit rating system for open space lands.**

A. Rating system. To be eligible for open space classification under the public benefit rating system, property must contain one or more priority open space resources. These resources are ranked as high priority, medium priority, and low priority.

maximum of fifty-two points through the rating system and the bonus system. Portions of property may also qualify for open space designation. complete definitions of each resource, sources and eligibility standards are fully described in the summary report adopted by reference by K.C.C. 20.36.150.

1. High priority resources - five points each.
 - a. Active or passive recreation areas.
 - b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.
 - c. Watersheds.
 - d. Shoreline "Conservancy" environment in priority areas with public access.
 - e. Scenic resources, viewpoints and view corridors.
 - f. Surface water quality buffer area.
 - g. Rural or low density open space close to urban growth areas.
 - h. Significant plant, wildlife and salmonid habitat area.
 - i. Significant aquatic ecosystems.
 - j. Historic landmarks/archaeological sites: designated sites.
 - k. Trail linkages
 - l. Urban or growth area open space.
 2. Medium priority resources - three points each.
 - a. Public lands and right-of-way buffers.
 - b. Special native plant sites.
 - c. Shoreline natural environment.
 - d. Geological features.
 - e. Eligible historic landmarks or archaeological sites.
 - f. Buffers to designated historic landmarks/archaeological sites.
 - g. Special animal sites.
 3. Low priority resources - one point each.
- B. Bonus System. Properties qualifying in the specific high, medium or low priority categories may receive up to twelve bonus points in at least three categories if the following additional qualifications are met:
1. Resource restoration - five points.

b. Limited public access - sensitive areas - five points.

c. Limited public access - non-sensitive areas - three points.

C. Super bonus system. Properties with at least one high priority resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a conservation, historic, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at 10% of market value.

COMMENT: Points requested by the applicant and comments follow:

Scenic resources, viewpoints and view corridors

The applicant claims that the property is visible from any point in Woodinville from the west and the property forms part of the east side of the Sammamish Valley. The property is visible from the 405 Woodinville interchange and is over 10 acres in size.

Urban or Growth Area Open Space

The property requested for open space is 16 acres within the city of Woodinville.

Significant wildlife, plant and salmonid habitat

The applicant claims that the property contains nests for the red-tailed hawk, a priority species in urban areas as listed by the Washington Department of Wildlife. In addition, the applicant claims that the property contains other types of birds, beaver and coyote. Staff analysis (Exhibit 31) states that the presence of the red tailed hawk has not been confirmed by maps prepared by WDW. In addition, staff could not document evidence of nests on the property although the habitat appeared to be appropriate for the hawks. Documentation would qualify this property for this category. Absent documentation, the property would qualify for Special Animal Sites, a medium priority resource.

Geologic Features

The applicant claims that the property is 600 foot wide portion of the Glacial River. The high portion is the most northern section of the Sammamish Plateau. In general, steep slopes, as defined in the King County Sensitive Areas Ordinance, are not eligible unless a primary function of the property is to provide

Public Access

The applicant is proposing limited access due to resource sensitivity for the purposes of birdwatching and to take advantage of the view point.

D. 1985 COMPREHENSIVE PLAN POLICIES AND TEXT:

Policy #E-205

"A variety of measures should be used to preserve parcels designated as parks and open space, including regulations, incentives, trades and purchase of lands or easements. Transfer of development rights (TDRs) may be another appropriate tool."

COMMENT: Current Use Taxation is an incentive to maintain the property as open space.

Conclusions and Recommendations

A. CONCLUSIONS:

1. Approval of the request, as modified, would be consistent with the specific purpose and intent of KCC 20.36.010.
2. Approval of the request would be consistent with Policy E-205 of the 1985 King County Comprehensive Plan.
3. Of the points requested, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

High Priority Resource

Scenic Natural Resources, viewpoints and view corridors	5
Surface Water Quality Buffer Area	5
Urban or Growth Area Open Space	5
Significant wildlife, plant and salmonid habitat	0
Geologic Features	0

Medium Priority Resource

Special Animal Sites	3
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Public Access

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PUBLIC BENEFIT RATING

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- 1) Failure of the owner to comply with these conditions shall be basis for removal, by King County, of the current use designation, in which case the land shall be subject to the penalty, tax, and interest provisions of RCW 84.34 and assessed at true and fair value. The County Assessor, the city of Woodinville and the Environmental Division may re-evaluate the property to determine whether removal of the open space designation is appropriate. Removal shall follow the process in RCW 84.34.108.
- 2) Revisions to this agreement may only occur upon mutual written approval of the owner and Granting Authority.
- 3) The open space classification for this land will continue as long as it is primarily devoted to and used for the purpose of protecting urban open space. Classification will be removed if dedication to this purpose ceases to exist. A change in circumstances which diminishes the extent of public benefit from that generally outlined in the recommendation to the King County Council and the City of Woodinville Council will result in removal of the current use assessment classification. It is the owner's responsibility to notify the Assessor of a change in circumstance.
- 4) When a portion of the open space land is withdrawn or removed from the program, the Environmental Division, city of Woodinville and the Assessor shall re-evaluate the remaining land to determine its continued qualification under the program. If the remaining portion meets the criteria for priority resources, it may continue under current use taxation.
- 5) Except as otherwise stated in this agreement, there shall be no alteration of the open space land or resources. **Any alteration may constitute a change of use and subject the property to the additional tax, interest, and penalty provisions of RCW 84.34.080** "Alteration" means any human-induced action that adversely impacts the existing condition of the open space land or resources including but not limited to the following: (Walking, passive recreation, or other similar activities are permitted.)
 - a. erecting structures;
 - b. grading;
 - c. filling;

- 1) In areas which have become infested by noxious weeds, the Owner shall consult with the County Noxious Weed Control Board Coordinator to obtain suggestions on controlling them. The Owner shall submit a control and enhancement plan to the King County Environmental Division and local jurisdiction for approval prior to removing the weeds.
- 2) In areas invaded by invasive species, replacement with native species or naturalized non-invasive species may be allowed subject to approval of an enhancement plan by the King County Environmental Division and City of Woodinville.
- 3) Trees posing a hazard to structures or major roads may be removed if approved in advance by the City. Any trees removed must be replaced.
 - h. applying herbicides or pesticides or any hazardous or toxic substance;
 - i. discharging pollutants excepting stormwater;
 - j. paving, construction, application of gravel;
 - k. storing of equipment, household supplies, play equipment, or compost;
 - l. constructing trails except with prior approval of the City of Woodinville.
 - k. or engaging in any other human activity that adversely impacts the existing vegetation, hydrology, wildlife, wildlife habitat, or other open space resource.
- 6) There shall be no motorized vehicle driving or parking allowed on the open space land.
- 7) There shall be no hunting, fishing or trapping.
- 8) There shall be no discharging of firearms on the site, except for law enforcement officers during an emergency.
- 9) Land not designated open space and presently used as a residential building site shall be valued at its true and fair value as a heretofore undisturbed open space.

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The public shall be entitled to free access to this property, subject to notification and consent of the Owner. Access shall not be denied if the request is compatible with this Agreement and would not endanger open space resources. Access is limited to passive forms of recreation or educational pursuits in which the land and its ecological balance remain undisturbed.

"No Trespassing" signs shall not be allowed.

KING COUNTY COUNCIL MEETING
Monday June 14, 1993

ITEM #

TYPE OF ACTION: Current Use Assessment - Open Space Public Benefit Rating System Program

COMMUNITY PLANNING AREA: Northshore (City of Woodinville)

NUMBER OF ACRES: 16 acres out of 19.77 acre parcel qualifies

NUMBER OF LOTS: N/A

CURRENT ZONING: SE

PROPOSED ZONING: N/A

HEARING BODY: Joint hearing conducted by King County Council Parks, Open Space and Natural Resource Committee and Representatives from the Woodinville City Council

GENERAL CONDITIONS:

- Open space classification will be removed if the land is used inconsistently with the purpose of this classification.
- A portion of the property may be withdrawn from the program without affecting the remaining area if the remaining area meets the same criteria for classification as did the classified portion of the property at the time of approval.
- No alteration of the open space land or resource is permitted except for the removal of noxious weeds or hazard trees and revegetation with native or naturalized non-invasive species, subject to the approval of an enhancement plan.
- Recreation activities within the open space area is limited to walking and other similar passive recreation activities.
- The property owner may limit public access to the property

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NOTICE IS HEREBY GIVEN that a joint committee of the King County Council and the Council of the City of Woodinville will meet in Room 401 of the King County Courthouse, 516 Third Avenue, Seattle, Washington on June , 1993 at , or as soon thereafter as possible, to consider an application for classification and real property assessment under Current Use Assessment Statute RCW 84.34, all listed hereafter;

93-409

L92CT004 - F. AILEEN NELSON, 18155 151st NE, Woodinville, WA 98072; STR: NW 11-26-05; REQUEST: Open Space; Size: 19.77 acres; Zone SE; Tax # 112605-9008

93-409

10891

Introduced by: AUDREY GRUGER

PROPOSED ORDINANCE

NO. ~~93-409~~

1
2
3 AN ORDINANCE for Current Use Assessment Application
for OPEN SPACE petitioned by F. Aileen Nelson
4 and designated Development and Environmental Services
File No. L92CT004

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6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

7 SECTION I.
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