



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 24, 2006

Ordinance 15372

Proposed No. 2005-0470.2

Sponsors Phillips

1 AN ORDINANCE concurring with the recommendation of
2 the hearing examiner to approve, subject to conditions, the
3 application for public benefit rating system assessed
4 valuation for open space submitted by the Wilderness
5 Awareness School for property located at 20215 – 320th
6 Avenue Northeast, Duvall, Washington 98019, designated
7 department of natural resources and parks, water and land
8 resources division file no. E05CT015.

9
10
11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

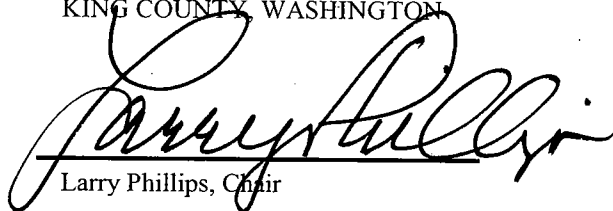
12 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
13 findings and conclusions the findings and conclusions contained in the report and
14 recommendation of the hearing examiner dated December 28, 2005, to approve subject to
15 conditions, the application for public benefit rating system assessed valuation for open
16 space submitted by the Wilderness Awareness School for property located at 20215 –
17 320th Avenue Northeast, Duvall, Washington 98019, designated department of natural

18 resources and parks, water and land resources division file no. E05CT015, and the
19 council does hereby adopt as its action the recommendation or recommendations
20 contained in the report.
21

Ordinance 15372 was introduced on 11/7/2005 and passed by the Metropolitan King
County Council on 1/23/2006, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated December 28, 2005

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

400 Yesler Avenue, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources & Parks, Water and Land Resources Division, File No.
E05CT015
Proposed Ordinance No. **2005-0470**

Open Space Taxation (Public Benefit Rating System)
Application of
WILDERNESS AWARENESS SCHOOL
P.O. Box 5000, PMB 137
Duvall, Washington 98019

Location of Property: 20215 - 320th Avenue Northeast
Duvall, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 18.52 acres for 10% of market value
Department's Final:	Approve 18.52 acres for 10% of market value
Examiner:	Approve 18.52 acres for 10% of market value

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division Report on item no. E05CT015 was received by the Examiner on November 30, 2005.

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. E05CT015 was opened by the Examiner at 1:59 p.m., December 14, 2005, in the Hearing Examiner's Conference Room, 400 Yesler Way, Room 404, Seattle, Washington, and closed at 2:01 p.m.

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: Wilderness Awareness School
P.O. Box 5000, PMB 137
Duvall, WA 98019

Property location: 20215 320th Avenue NE
Duvall, WA 98019

PBRs categories proposed and recommended:

Open space resources

Active or passive recreation area
Forest stewardship land
Rural open space
Surface water quality buffer
Significant wildlife or salmonid habitat
Watershed protection area

Bonus categories

Additional surface water quality buffer
Limited public access because of resource sensitivity

COMMENT: The purpose of this application is to request award of two additional PBRs resource categories. Presently, 18.52 acres are participating in PBRs (old file #E00CT014), receiving an 80% reduction (30 points) in value for the portion enrolled.

Zoning: RA-5

Parcel nos.	155000-0640	155000-0643
Total acreage:	8.77	9.75
Proposed/enrolled	8.77	9.75
Recommended PBRs:	8.77	9.75

STR: SE 04-26-07

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources & Parks, Water and Land Resources Division, Preliminary Report for the December 14, 2005, 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 King County Council.
3. Timely application was made to King County for current use valuation of the subject property to

begin in 2007. Notice of the application was given as required by law.

4. The property, which is already enrolled in the open space taxation program, is found to contain additional priority open space resources and is now eligible for a total award of 38 points pursuant to the King County Public Benefit Rating System. The resulting current use value therefore would be 10% of market value for 18.52 acres of the property.

CONCLUSIONS:

1. Approval of current use valuation of 10% of market value for 18.52 acres of the property pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, as amended, would be consistent with the purposes and intent of King County to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.
2. As the property is currently enrolled in the program, any agreement executed pursuant to this Recommendation should be worded to supersede any previous PBRS participation agreement for the property.

RECOMMENDATION:

APPROVE current use valuation of 10% of market value for 18.52 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources & Parks report for the December 14, 2005, public hearing and the following additional condition:

1. Any agreement executed pursuant to this Recommendation shall contain a provision that the agreement supersedes any previous PBRS participation agreement for the subject property.

Current use valuation shall be subject to all terms and conditions of RCW Chapter 84.34 and KCC Chapter 20.36, as the same may be amended from time to time, and all regulations and rules duly adopted to implement state law and county ordinances pertaining to current use valuation.

RECOMMENDED this 28th day of December, 2005.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 28th day of December, 2005, to the following parties and interested persons:

Wilderness Awareness School

Susan Monroe, Department of Assessments

P.O. Box 5000, PMB 137
Duvall, WA 98019

Ted Sullivan, Dept. of Natural Resources & Parks
Charlie Sundberg, Office of Cultural Resources
Marilyn Cope, KCC – Committee Staff
Bill Bernstein, Dept. of Natural Resources & Parks
Sally King, Dept. of Natural Resources & Parks

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 January 11, 2006**. If a notice of appeal is filed, the original and 6 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 January 18, 2006**. 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 1025, King County Courthouse, 516 3rd 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 DECEMBER 14, 2005, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E05CT015:

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Bill Berstein. No others participated 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 County Council
- Exhibit No. 9 Affirmation signed/notarized
- Exhibit No. 10 Letter from Wilderness Training School board president authorizing signatory
- Exhibit No. 11 Assessor's map
- Exhibit No. 12 King County Assessor's database printout
- Exhibit No. 13 Arcview/orthophoto map
- Exhibit No. 14 Forest Stewardship Plan
- Exhibit No. 15 Legal description of area to be enrolled
- Exhibit No. 16 Copy of letter sent to neighbors regarding notification of PBRs application

PTD:ms
E05CT015 RPT

Attachment

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 for the riparian open space program 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.
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.

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

Council Chair

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 (must be signed by all owners).

Print Name

Signature

Date signed agreement received by Legislative Authority _____

For tax assistance, visit <http://dor.wa.gov> or call 1-800-647-7706. 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.
REV 64 0022e (w) (7/27/05)