



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 8, 2007

Ordinance 15769

Proposed No. 2007-0103.2

Sponsors Gossett

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AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for current use assessment for timberland submitted by Kimberly Ward for property located at 13530 Southwest Bates Road, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division, file no. E06CT069.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. This ordinance does hereby adopt and incorporate herein as its findings and conclusions the findings and conclusions contained in the report and recommendation of the hearing examiner dated April 16, 2007, to approve, subject to conditions, the application for current use assessment for timberland submitted by Kimberly Ward for property located at 13530 Southwest Bates Road, Vashon, WA 98070, designated department of natural resources and parks, water and land resources

16 division, file no. E06CT069, and the council does hereby adopt as its action the
17 recommendation or recommendations contained in the report.

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Ordinance 15769 was introduced on 2/12/2007 and passed by the Metropolitan King County Council on 5/7/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Mr. Phillips and Mr. Constantine

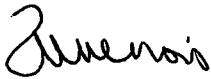
No: 0

Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated April 16, 2006, B. Notice of Correction dated April 27, 2007

15769
April 16, 2006

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

400 Yesler Avenue, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources & Parks (DNRP), Water & Land Resources Division
file no. **E06CT069**
Proposed Ordinance No. **2007-0103**

Open Space Taxation (Current Use Assessment) for Timber Land
Application of
KIMBERLY WARD
P.O. Box 952
Vashon, WA 98070

Location of Property: 13530 Southwest Bates Road
Vashon, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 19.99 acres
Department's Final:	Approve 19.99 acres
Examiner:	Approve 19.99 acres

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division Report on item no. E06CT069 was received by the Examiner on March 13, 2007.

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. E06CT069 was held by the Examiner on March 21, 2007, in the Hearing Examiner's conference room, 400 Yesler Way, Room 404, 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:

Owners: Kimberly and Kevin Ward
PO Box 952
Vashon, WA 98070

Property location: 13530 SW Bates Road
Vashon, WA 98070

Request: Timber Land
STR: SE 23-22-02
Zoning: RA-2.5

Parcel no.: 232202-9137
Total acreage: 24.40
Requested Timber Land: 20.00
Recommended Timber Land: 19.99

(The land area recommended for timber land enrollment is the entire parcel less the excluded area(s), which is what has been calculated by DNRP. In the event the County Assessor’s official parcel size is revised, the enrolled timber land acreage shall be administratively adjusted to reflect that change. It may only be adjusted downward, as it may not exceed 19.99 acres under the program.)

- 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 March 21, 2007, 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. Enrollment in the Timber Land program is contingent upon applicant submittal of a forest stewardship plan by June 1, 2007, and approval and implementation of the plan by July 1, 2007. Failure to meet these requirements will exclude the property from enrollment in the Timber Land program at present.

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 19.99 acres, subject to the Applicant’s submittal and County approval of a forest stewardship plan, compliance with and implementation of that plan as stated in Finding no. 3 above, and execution of the State of Washington, Department of Revenue, Open Space Taxation Agreement Form REV 64 0022(7-23-02).

RECOMMENDED April 16, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED April 16, 2007, to the following parties and interested persons:

Kimberly & Kevin Ward
P.O. Box 952
Vashon, WA 98070

Susan Monroe, Department of Assessments
Ted Sullivan, Dept. of Natural Resources & Parks
Marilyn Cope, KCC – Committee Staff
Charlie Sundberg, Bus. Relations & Economic Devel.
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 April 30, 2007*. 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 May 7, 2007*. 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 MARCH 21, 2007, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E06CT069:

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—signed and notarized
- Exhibit No. 10 Letter to Applicant re: received application and approval schedule
- Exhibit No. 11 Assessor map
- Exhibit No. 12 King County Assessor's database printout
- Exhibit No. 13 Arcview/orthophoto map
- Exhibit No. 14 *Reserved for future submission of* Forest Stewardship plan
- Exhibit No. 15 *Reserved for future submission of* legal description of area to be enrolled

PTD:ms
E06CT069 RPT

Attachment

- 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.
 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

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)

15769
April 27, 2007

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NOTICE OF CORRECTION

SUBJECT: Department of Natural Resources & Parks, Water and Land Resources Division File No.
E06CT069
Proposed Ordinance No. **2007-0103**

Open Space Taxation (Current Use Assessment) for Timber Land
Application of **KIMBERLY WARD**
P.O. Box 952
Vashon, Washington 98070

Location of Property: 13530 Southwest Bates Road
Vashon, Washington

The Hearing Examiner's April 16, 2007 report and recommendation on the above-referenced application is corrected to read April 16, 2007 on the page 1 header instead of the erroneous April 16, 2006. All other portions of the Report and Recommendation remain as originally stated.

ORDERED this 27th day of April, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED this 27th day of April, 2007, to the following parties and interested persons:

Kimberly Ward
P.O. Box 952
Vashon, WA 98070

Susan Monroe, Department of Assessments
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

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