



Signature Report

May 29, 2007

Ordinance 15812

Proposed No. 2007-0163.2

Sponsors Gossett

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 Harold and Molly
5 Green for property located adjacent to and south of 17526
6 Westside Highway Southwest, Vashon, WA 98070,
7 designated department of natural resources and parks, water
8 and land resources division file no. E06CT051.

9

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
12 findings and conclusions the findings and conclusions contained in the report and
13 recommendation of the hearing examiner dated May 4, 2007, to approve subject to
14 conditions, the application for public benefit rating system assessed valuation for open
15 space submitted by Harold and Molly Green for property located adjacent to and south of
16 17526 Westside Highway Southwest, Vashon, WA 98070, designated department of
17 natural resources and parks, water and land resources division file no. E06CT051, and the

Ordinance 15812

18 council does hereby adopt as its action the recommendation or recommendations
19 contained in the report.

20

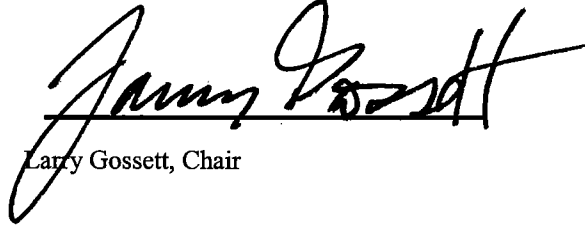
Ordinance 15812 was introduced on 3/12/2007 and passed by the Metropolitan King
County Council on 5/29/2007, by the following vote:

Yes: 7 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr.
Ferguson, Mr. Phillips and Mr. Constantine

No: 0

Excused: 2 - Mr. Dunn and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated May 4, 2007, B. Notice of Correction dated May 7,
2007

15812
May 4, 2007

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

400 Yesler Avenue, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources & Parks (DNRP), Water and Land Resources Division,
file no. **E06CT051**
Proposed Ordinance No. **2007-0163**

Open Space Taxation (Public Benefit Rating System)

Application of

HAROLD & MOLLY GREEN

1628 Madrona Drive
Seattle, Washington 98122

Location of Property: adjacent to and south of 17526 Westside Highway Southwest
Vashon, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 13.41 acres for 20% of market value
Department's Final:	Approve 13.41 acres for 20% of market value
Examiner:	Approve 13.41 acres for 20% of market value

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division Report on item no. E06CT051 was received by the Examiner on April 11, 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. E06CT051 was held by the Examiner on April 18, 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: Rebecca H. Green Testamentary Trust and
Harold and Molly Green
1628 Madrona Drive
Seattle, WA 98122

Property location: adjacent to and south of 17526 Westside Highway SW
Vashon, WA 98070

PBRS categories proposed and recommended:

Open space resources

Aquifer protection area
Buffer to public land
Forest stewardship land (conditional)
Rural open space
Significant wildlife or salmonid habitat
Surface water quality buffer
Watershed protection area

Bonus categories

Additional surface water quality buffer
Conservation easement or historic easement (conditional)

COMMENT: PBRS staff initiated this application through proposal to the landowners (please see Exhibit #9). Resources were proposed by staff and then concurred in by the applicants.

STR: SE-26-23-02 and NE-35-23-02
Zoning: RA-2.5

Parcel nos.:	262302-9018	352302-9001
Total acreage:	8.60	6.00
Proposed PBRS:	7.92	6.00
Recommended PBRS:	7.81	5.60

COMMENT: The portion recommended for PBRS enrollment is the entire property less the excluded areas as measured. Total property size is 14.60 acres, of which 13.41 acres is recommended for participation.

(The land area recommended for PBRS 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 PBRS acreage shall be administratively adjusted to reflect that change.)

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 April 18, 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.

The following change was made to the staff report at hearing:

- A. Page 5, Bonus category – Conservation easement or historic easement: The conservation easement should be recorded before December 31, 2007.

The following corrections to the staff report are noted:

- A. Page 1, section A.1, owners: Rebecca H. Green Testamentary Trust and Harold and Molly Green.
 - B. Page 1, section A.1, owners mailing address: 1628 Madrona Drive, Seattle, WA 98122
 - C. Page 5, Forest stewardship land: The forest steward plan should be provided by November 1, 2007.
3. Timely application was made to King County for current use valuation of the subject property to begin in 2008. Notice of the application was given as required by law.
 4. The property contains priority open space resources and is eligible for a total award of 33 points under the King County Public Benefit Rating System. The resulting current use value therefore would be 20% of market value for 13.41 acres of the property.
 5. Additional credit may be awarded administratively for the following:
 - A. Forest stewardship land category - subject to Applicant submittal of a forest stewardship plan by November 1, 2007, and subsequent County approval and commencement of implementation by December 1, 2007. Credit for this category would increase the total point award by 5 points.
 - B. Conservation easement or historic easement- subject to recording of an approved conservation easement before December 1, 2007. Credit for this category would increase the total point award by 15 points.

Credit for either of these categories would change the current use valuation for the enrolled portion of the property to 10%.

CONCLUSION:

1. Approval of current use valuation of 20% (or 10% if approved as noted above) of market value for 13.41 acres of the property pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, 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.

RECOMMENDATION:

APPROVE current use valuation of 20% of market value for 13.41 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources & Parks report for the April 18, 2007, public hearing, and the following addition condition of approval:

1. Credit may be awarded administratively for the forest stewardship land and/or the conservation easement or historic easement categories as noted above in Finding no. 5. If credit is awarded for either/both of these categories the current use valuation for the enrolled portion of the property will be 10%.

Current use valuation shall be subject to all terms and conditions of RCW Chapter 84.34 and KCC Chapter 20.36, as 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 May 4, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED May 4, 2007, to the following parties and interested persons:

Harold & Molly Green
& Rebecca H. Green Testamentary Trust
1628 Madrona Dr.
Seattle, WA 98122

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

**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 May 18, 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 25, 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 APRIL 18, 2007, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E06CT051:

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Ted Sullivan. 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 DNRP Preliminary Report to the Hearing Examiner
- 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/Timber program
- Exhibit No. 8 Legal notice and introductory ordinance to County Council
- Exhibit No. 9 Proposal and signed/notarized affirmation
- Exhibit No. 10 Assessor's map
- Exhibit No. 11 King County Assessor's database printout
- Exhibit No. 12 Arcview and orthophoto/aerial map
- Exhibit No. 13 Letter to neighbors re: notification of PBRs application
- Exhibit No. 14 *Not submitted*
- Exhibit No. 15 *Reserved for future submission of legal description of area to be enrolled*

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Attachment

- 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.
 10. This agreement shall supersede any previous open space 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)

15812

May 7, 2007

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

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Seattle, Washington 98104
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NOTICE OF CORRECTION

SUBJECT: Department of Natural Resources & Parks, Water and Land Resources Division File No.
E06CT051
Proposed Ordinance No. **2007-0163**

Open Space Taxation (Public Benefit Rating System)
Application of **HAROLD & MOLLY GREEN**
17705 Westside Highway Southwest
Vashon, Washington 98070

Location of Property: adjacent to and south of 17526 Westside Highway Southwest
Vashon, Washington

The Hearing Examiner's report and recommendation for the above-referenced application dated May 4, 2007, is corrected to reflect the Applicants' correct mailing address as noted above. All other portions of this Report and Recommendation remain as originally stated.

ORDERED May 7, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED May 7, 2007, to the following parties and interested persons:

Rebecca H. Green Testamentary Trust
And Harold & Molly Green
17705 Westside Hwy. SW
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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