



Signature Report

June 12, 2007

Ordinance 15844

Proposed No. 2007-0172.2

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 Evan and Allyson
5 Schrier and James McNellis for property located at xxx
6 344th Avenue Northeast, Carnation, Washington 98014,
7 designated department of natural resources and parks, water
8 and land resources division file no. E06CT028.

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 18, 2007, to approve subject to
14 conditions, the application for public benefit rating system assessed valuation for open
15 space submitted by Evan and Allyson Schrier and James McNellis for property located at
16 xxx 344th Avenue Northeast, Carnation, Washington 98014, designated department of
17 natural resources and parks, water and land resources division file no. E06CT028, and the

Ordinance 15844

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

20

Ordinance 15844 was introduced on 3/12/2007 and passed by the Metropolitan King
County Council on 6/11/2007, by the following vote:

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

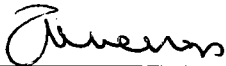
No: 0

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 May 18, 2007

15844
May 18, 2007

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

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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 and Land Resources Division,
file no. **E06CT028**
Proposed Ordinance No. **2007-0172**

Open Space Taxation (Public Benefit Rating System)
Application of
EVAN & ALLYSON SCHRIER and JAMES McNELLIS
4710 – 286th Avenue Southeast
Fall City, Washington 98024

Location of Property: xxx 344th Avenue Northeast
Carnation, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 17.04 acres for 20% of market value
Department's Final:	Approve 17.04 acres for 20% of market value
Examiner:	Approve 17.04 acres for 20% of market value, with conditional allowances for administrative approval of additional acreage and further reduction to 10% of market value

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division Revised Report on item no. E06CT028 was received by the Examiner on May 15, 2007.

PUBLIC HEARING:

After reviewing the revised 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. E06CT028 was opened by the Examiner on April 25, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Room 404, Seattle, Washington, and continued to May 16, 2007, when it was closed.

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: Evan and Allyson Schrier and James McNellis
4710 286th Ave. SE
Fall City, WA 98024

Property location: xxx 344th Ave. NE
Carnation, WA 98014.

PBRS categories proposed: **Open space resources**
Aquifer protection area
Buffer to public land
Rural open space
Significant wildlife or salmonid habitat
Watershed protection area

Categories 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
Resource restoration (conditional)

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

STR: NW 26-25-07
Zoning: RA-10

Parcel no.:	262507-9054
Total acreage:	21.81
Excluded area:	4.77
Recommended PBRS:	17.04*

COMMENT: *Under current conditions, 17.04 acres can be enrolled in PBRS. Up to 4.77 additional acres could be added, if the landowners restore some or all of the old pasture area at the west end of the property. This could increase the total enrolled acreage up to 21.81 acres.

(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, Revised Preliminary Report for the April 25, 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 changes were made to the staff report at hearing:

- A. Page 2, section B.2 and page 5, bonus category – resource restoration: approximately 4.8 acres is 4.77 acres.
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 17.04 acres of the property.
 5. Additional credit may be awarded administratively for either the forest stewardship land or resource restoration category, dependent upon:
 - A. Applicant submittal of a forest stewardship plan by October 1, 2007, and subsequent approval and commencement of implementation by November 1, 2007.
 - or
 - B. Applicant submittal of a resource restoration plan by October 1, 2007, and approval and implementation of that plan by November 1, 2007.

Credit for these categories may not overlap. Under either of these plans, up to 4.77 additional acres may qualify for enrollment if the approved plan details the replanting of the old pasture area that covers this acreage within the next three years (by the end of 2010).

Credit for either of these categories would increase the total point award by 5 points and adjust the current use valuation for the enrolled portion of the property to 10% of market value.

CONCLUSION:

1. Approval of current use valuation of 20% (or 10% if approved as noted above as specified in Finding no. 5 above) of market value for 17.04 acres of the property (or up to 21.81 acres if approved administratively as specified above) 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% (or 10% if approved as provided below) of market value for 17.04 acres of the subject property (or up to 21.81 acres if approved administratively as specified in Finding no. 5 above), subject to the conditions recommended in the Department of Natural Resources & Parks revised report for the April 25, 2007 public hearing, and the following additional conditional allowance of approval:

- A. Credit may be awarded administratively for either the forest stewardship or resource restoration category and additional acreage may be added as stated in Finding no. 5 above. Award of either category would increase the total point award to 38 points and result in a current use valuation of 10% for the enrolled portion of the property.

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 18, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED May 18, 2007, to the following parties and interested persons:

Evan & Allyson Schrier/James McNellis
4710 – 286th Ave. SE
Fall City, WA 98024

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 June 1, 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 June 8, 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 25 AND MAY 16, 2007, PUBLIC HEARING ON DEPARTMENT OF
NATURAL RESOURCES & PARKS FILE NO. E06CT028:**

James N. O'Connor and Peter T. Donahue were the Hearing Examiners in this matter. Participating in the hearing and representing the Department was Sally King. 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 DNRP Preliminary Report to the Hearing Examiner
- Exhibit No. 4A Revised 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. 6A Notice of hearing continuance 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 *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
E06CT028 RPT
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.
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