



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 1, 2013

Ordinance 17547

Proposed No. 2013-0008.2

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 Paul Schuster for
5 property located at 8906 SW Van Olinda Road, Vashon,
6 WA, designated department of natural resources and parks,
7 water and land resources division file no. E12CT017.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

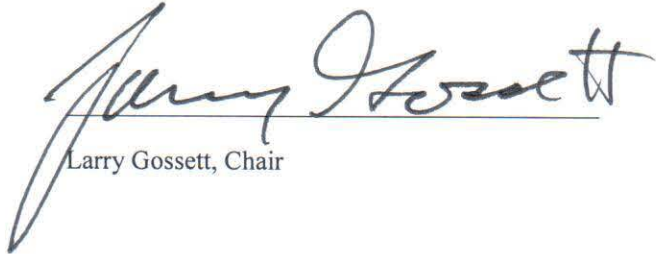
9 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
10 findings and conclusions the findings and conclusions contained in the report and
11 recommendation of the hearing examiner dated March 7, 2013, to approve subject to
12 conditions, the application for public benefit rating system assessed valuation for open
13 space submitted by Paul Schuster for property located at 8906 SW Van Olinda Road,
14 Vashon, WA, designated department of natural resources and parks, water and land

15 resources division file no. E12CT017, and the council does hereby adopt as its action the
16 recommendation or recommendations contained in the report.
17

Ordinance 17547 was introduced on 1/14/2013 and passed by the Metropolitan King County Council on 4/1/2013, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Mr. Dunn, Mr. McDermott and Mr. Dembowski
No: 0
Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Hearing Examiner Report dated March 6, 2013

March 6, 2013

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
King County Courthouse, Room 1200
516 Third Avenue
Telephone (206) 296-4660
Facsimile (206) 296-0198
hearingexaminer@kingcounty.gov

**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Natural Resources and Parks File No. **E12CT017**
Proposed Ordinance No. **2013-0008**

PAUL SCHUSTER

Open Space Taxation Application (Public Benefit Rating System)

Location: 8906 SW Van Olinda Road, Vashon

Applicant: **Paul Schuster**
8906 SW Van Olinda Road
Vashon, WA 98070
Telephone: (206) 490-4050
Email: paulschuster@msn.com

King County: Department of Natural Resources and Parks (DNRP)
represented by **Ted Sullivan**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 205-5170
Email: ted.sullivan@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve 8.11 acres for 20% of market value
Department's Final Recommendation:	Approve 8.11 acres for 20% of market value
Examiner's Recommendation:	Approve 8.11 acres for 20% of market value

PRELIMINARY REPORT:

On January 10, 2013, DNRP submitted its report on file no. E12CT017 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a public hearing on the application on January 23, 2013, in the Ginger Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner continued the hearing administratively for receipt of the affidavit of notice publication, later received February 28, 2013, at which time the hearing record 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 Hearing Examiner's Office.

FINDINGS, CONCLUSIONS AND RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner:	Paul Schuster 8906 SW Van Olinda Road Vashon, WA 98070
Location:	8906 SW Van Olinda Road, Vashon
STR:	NE 20-23-03
Zoning:	RA-2.5
Parcel nos.:	2781600061, 2023039149
Total Acreage:	9.90

- The Applicant timely filed an application to King County for PBRs program current use valuation of the property to begin in 2014. As required by law, notification of the application occurred.
- A summary of relevant PBRs categories follows below. (Plain text represents a category an applicant requested an award for and that DNRP agrees is warranted. Any ~~strikethrough~~ represents a category an applicant requested an award for but that DNRP disagrees is warranted. Any *italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And any *asterisks* represent a category where DNRP finds an award is warranted, but only if certain contingencies or conditions are met.)

PBRS categories:	<u>Open Space Resources</u>	
	Aquifer protection area	5
	Farm and agricultural conservation land	5
	Significant wildlife or salmonid habitat	5
	Surface water quality buffer	5
	Additional surface water quality buffer	3
DNRP-recommended score		<u>23</u>

The DNRP-recommended score of 23 points results in a current use valuation of 20% of market value of the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the applicant requested 8.25 acres and DNRP recommends 8.11 acres. (Enrollment acreage is the entire parcel less the excluded area, as 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.)
5. Except as modified herein, the facts set forth in the DNRP preliminary report and testimony at the January 23, 2013, public hearing are correct and incorporated herein by reference. Copies of this report and the department report will be provided to the Metropolitan King County Council for final approval.

CONCLUSION:

1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 23 points and a current use valuation of 20% of market value for the 8.11 acres of the property, 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. The subject property is currently participating in PBRS. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any farm and agricultural land program-related agreement(s).

RECOMMENDATION:

1. APPROVE current use valuation of 20% of market value for the 8.11 acres enrolled portion of the property.

DATED March 6, 2013.


 David W. Spohr
 Interim Deputy King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation of the Hearing Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250 (check payable to King County Office of Finance) on or before **March 20, 2013**. If a notice of appeal is filed, the original and two 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 **March 27, 2013**.

Filing requires actual delivery to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third 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. If the Office of the Clerk is not officially open on the specified closing date, 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 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 that 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, defer action, refer the matter to a Council committee, or remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within 21 days from the date of the action an aggrieved party or person applies for a writ of certiorari from Superior Court for the purpose of review of the action taken.

MINUTES OF THE JANUARY 23, 2013, PUBLIC HEARING ON NATURAL RESOURCES AND PARKS FILE NO. E12CT017.

David W. Spohr was the Hearing Examiner in this matter. Bill Bernstein, Ted Sullivan and Megan O’Brian participated in the hearing on behalf of the department.

The following exhibits were offered and entered into the hearing record:

Exhibit no. 1	<i>Not submitted</i>
Exhibit no. 2	<i>Not submitted</i>
Exhibit no. 3	<i>Not submitted</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
Exhibit no. 5	Affidavit of publication received February 28, 2013
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	Application signed/notarized
Exhibit no. 10	Legal description of area to be enrolled
Exhibit no. 11	Email to applicant re: received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	Farm management plan

DWS/gao