

ORDINANCE
NO. 1076

AN ORDINANCE relating to the methods for implementing Chapter 84.34, R.C.W., Open Space, Agricultural and Timber Land Current Use Assessment.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1: Purpose and Intent. It is in the best interest of the County to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the County and its citizens.

It is the intent of this ordinance to implement Chapter 84.34, R.C.W. by establishing procedures, rules and fees for the consideration of applications for current use assessment.

SECTION 2: Zoning and Subdivision Examiner. The Office of Zoning and Subdivision Examiner as established by ART. 5, Ordinance 263, as amended, shall act in behalf of the Council in considering applications for current use assessments as provided herein.

SECTION 3: Applications for current use assessment. An owner of land desiring current use assessment under this ordinance shall make application to the County Assessor by filing application forms with the Department of Planning. Said application shall be upon forms prepared by the State Department of Revenue and shall include such information deemed reasonably necessary by the Department of Planning to properly classify an area of land under this ordinance with a notarized verification of the truth thereof.

SECTION 4: Fees. The applicant shall pay a filing fee of \$100.00 for twenty acres or less and an additional \$1.00 for each acre over twenty, provided that no application shall contain more than six hundred forty acres.

SECTION 5: Time to file. Applications shall be made during the first four calendar months of the calendar year preceding that in which such classification is to begin.

SECTION 6: Public Hearing. When it is found that an application meets

the filing requirements of the Department of Planning and the rules of the State Department of Revenue and the Examiner, it shall be accepted and a date assigned for public hearing. Before rendering a recommendation on any such application, the Examiner shall hold at least one public hearing thereon.

SECTION 7: Notice of Public Hearing. Notice of the time, place and purpose of any such public hearing shall be given by one publication in the official County newspaper [REDACTED] before the hearing.

SECTION 8: Report by Department of Planning. When such application has been set for public hearing, the Department of Planning shall review the application to determine its conformance to the Comprehensive Plan and Chapter 84.34, R.C.W. and this Ordinance, and shall prepare a report summarizing the factors involved and the Department of Planning findings and recommendation. At least seven days prior to the scheduled hearing the report shall be filed with the Examiner and copies thereof shall be mailed to the applicant and shall be made available for use by any interested party.

SECTION 9: Examiner's Duties and Powers. The Examiner or Deputy Examiner shall examine available information, conduct public hearings and prepare a record thereof, and prepare reports of recommendation to the Council for the approval or disapproval of said applications.

The Examiner may recommend that the Council approve the application with such conditions, modifications and restrictions as the Examiner finds necessary to make the application carry out the goals and policies of the King County Comprehensive Plan and Chapter 84.34, R.C.W., and this Ordinance.

SECTION 10: Examiner's Recommendation. When the Examiner renders a decision of recommendation, he shall make and enter findings from the record and the conclusions therefrom which support his decision and the findings and conclusions shall set forth and demonstrate the manner in which the decision recommended carries out and helps to implement the goals and policies of the Comprehensive Plan, Chapter 84.34, R.C.W. and this Ordinance.

SECTION 11: Report of Recommendation: Within five working days of the

1 conclusion of a hearing, the Examiner shall render a written recommendation and
2 shall transmit a copy of said recommendation by registered mail to the applicant
3 and other parties of record in the case requesting same, and shall file his recom-
4 mendation with the Council.

5 SECTION 12: Council Hearing. The hearing by the Examiner as
6 provided for by Section 9 of this Ordinance, shall constitute the hearing by the Council;
7 however, an aggrieved party may submit an appeal in writing to the Council requesting
8 additional consideration provided that written notice of such appeal is filed with the
9 Clerk of the Council within fourteen calendar days of the conclusion of the hearing, and
10 that the written appeal is filed with the Clerk of the Council within twenty-one calendar
11 days of the conclusion of the hearing.

12 If, after examination of the written appeal and the record, the Council
13 determines that, (1) an error in fact or procedure may exist in the record, it may
14 remand the proceeding to the Examiner for reconsideration, or if the Council
15 determines that, (2) the decision of the Examiner is based on an error in judgment or
16 conclusion, it may modify or reverse the decision of the Examiner.

17 The Council's consideration shall be based upon the record only; however,
18 the Council may publicly request additional information of the appellant, other
19 participants and the Examiner at its discretion.

20 SECTION 13: Council's Action. Action of the Council shall be by motion
21 to affirm, modify, or reject the recommendation of the Examiner and when so doing
22 the Council shall make and enter findings of fact from the record and conclusions
23 therefrom which support its action. Said findings and conclusions shall set forth and
24 demonstrate the manner in which the action carries out and helps to implement the
25 goals and policies of the Comprehensive Plan, 84.34 R.C.W. and this Ordinance.
26 The Council may adopt all or portions of the Examiner's findings and conclusions.

27 Any motion of approval shall constitute authorization for the Chairman of
28 the Council to sign the Open Space Taxation Agreement.
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1 INTRODUCED AND READ for the first time this 13 day

2 of December, 19 71.

3 PASSED at a regular meeting of the King County Council this 20th day

4 of December, 19 71.

5 KING COUNTY COUNCIL
6 KING COUNTY, WASHINGTON.

7
8 Robert B. Dunn
9 Chairman

10 ATTEST:

11 Lee Kraft
12 Administrator-Clerk of the Council

13 APPROVED this 29th day of December, 19 71.

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15 [Signature]
16 KING COUNTY EXECUTIVE
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