



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 28, 2005

Ordinance 15225

Proposed No. 2005-0162.2

Sponsors Phillips and Lambert

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 Koos B. and Rita
5 Keizer for property located at 14622 Northeast 169th
6 Street, Chester D. and Julia Lynn Murphy for property
7 located at 14612 Northeast 169th Street, Derek and Joanne
8 L. Wood for property located at 14602 Northeast 169th
9 Street, Judith A. and Mohammed R. Fani for property
10 located at 14528 Northeast 169th Street, Steve and Karen
11 Farness Holt for property located at 14518 Northeast 169th
12 Street, and Dwayne R. and Denise G. Need for property
13 located at 14512 Northeast 169th Street Woodinville,
14 Washington 98072, designated department of natural
15 resources and parks, water and land resources division file
16 no. E04CT020.

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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 June 7, 2005, to approve subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Koos B. and Rita Keizer for property located at 14622 Northeast 169th Street, Chester D. and Julia Lynn Murphy for property located at 14612 Northeast 169th Street, Derek and Joanne L. Wood for property located at 14602 Northeast 169th Street, Judith A. and Mohammed R. Fani for property located at 14528 Northeast 169th Street, Steve and Karen Farness Holt for property located at 14518 Northeast 169th Street, and Dwayne R. and Denise G. Need for property located at 14512 Northeast 169th Street Woodinville, WA 98072, designated department of natural resources and parks,

Ordinance 15225

31 water and land resources division file no. E04CT020, and the council does hereby adopt
32 as its action the recommendation or recommendations contained in the report.

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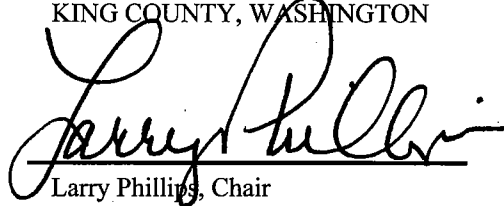
Ordinance 15225 was introduced on 4/18/2005 and passed by the Metropolitan King County Council on 6/27/2005, by the following vote:

Yes: 11 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine

No: 0

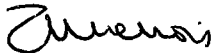
Excused: 2 - Mr. Pelz and Mr. Ferguson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated June 7, 2005

15225

June 7th, 2005

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

400 Yesler Avenue, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources & Parks, Water and Land Resources Division, File No.
E04CT020
Proposed Ordinance No. **2005-0162**

Open Space Taxation (Public Benefit Rating System)
Application of

Koos B. and Rita Keizer
14622 NE 169th Street
Woodinville, WA 98072

Judith A. and Mohammed R. Fani
14528 NE 169th Street
Woodinville, WA 98072

Chester D. and Julia Lynn Murphy
14612 NE 169th Street
Woodinville, WA 98072

Steve and Karen Farness Holt
14518 NE 169th Street
Woodinville, WA 98072

Derek and Joanne L. Wood
14602 NE 169th Street
Woodinville, WA 98072

Dwayne R. and Denise G. Need
14512 NE 169th Street
Woodinville, WA 98072

Location of Property: Same as above

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 4.45 acres for 20% of market value
Department's Final:	Approve 4.06 acres for 20% of market value
Examiner:	Approve 4.06 acres for 20% of market value

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division Report on item no. E04CT020 was received by the Examiner on May 18, 2005.

PUBLIC HEARING:

After reviewing the Department of Natural Resources & Parks, Water and Land Resources Division, report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on item no. E04CT020 was opened by the Examiner at 1:42 p.m., May 25, 2005, in the Hearing Examiner's Conference Room, 400 Yesler Way, Room 404, Seattle, Washington; at 1:55 p.m. was administratively continued for clarification of acreage figures; and was closed on May 31, 2005.

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:	Koos B. and Rita Keizer (Tax parcel 281726-0040) 14622 NE 169th Street Woodinville, WA 98072	Judith A. and Mohammed R. Fani (281726-0070) 14528 NE 169th Street Woodinville, WA 98072
	Chester D. and Julia Lynn Murphy (281726-0050) 14612 NE 169th Street Woodinville, WA 98072	Steve and Karen Farness Holt (281726-0080) 14518 NE 169th Street Woodinville, WA 98072
	Derek and Joanne L. Wood (281726-0060) 14602 NE 169th Street Woodinville, WA 98072	Dwayne R. and Denise G. Need (281726-0090) 14512 NE 169th Street Woodinville, WA 98072

Property location: Same as above

PBRS categories requested: **Open space resources**
 Aquifer protection area
 Surface water quality buffer area
 Significant plant, wildlife or salmonid habitat area
 Forest stewardship land
Bonus categories
 Additional surface water quality buffer area
 Contiguous parcels under separate ownership

Recommended categories: **Open space resources**
 Aquifer protection area
 Significant wildlife or salmonid habitat area
 Watershed protection area
 Bonus categories
 Contiguous parcels under separate ownership

(NOTE: The PBRs points categories were revised since the time of application by Ordinance 15137 effective April 1, 2005.)

Zoning:	RA-2.5		
Parcel no.:	281726-0040	281726-0050	281726-0060
Total acreage:	0.83	0.80	0.76
Requested for PBRs:	0.49	0.42	0.41
Recommended PBRs:	0.52	0.43	0.41
Parcel no.:	281726-0070	281726-0080	281726-0090
Total acreage:	0.84	1.08	2.22
Requested for PBRs:	0.46	0.75	1.28
Recommended for PBRs:	0.47	0.70	1.53

COMMENT: The property size is 6.53 acres. The area recommended for PBRs is 4.06 acres.

STR: SE-10-26-05

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 to the King County Hearing Examiner for the May 25, 2005, public hearing are found to be correct and are incorporated herein by this reference. Copies of the department report will be provided with the copies of this report submitted to the King County Council.

3: The staff report should be revised as follows:

A. Page 2, section A.5 – should read as follows:

Parcel no.:	281726-0040	281726-0050	281726-0060
Total acreage:	0.83	0.80	0.76
Requested for PBRs:	0.49	0.42	0.41
Recommended for PBRs:	0.52	0.43	0.41
Parcel no.:	281726-0070	281726-0080	281726-0090
Total acreage:	0.84	1.08	2.22
Requested for PBRs:	0.46	0.75	1.28
Recommended for PBRs:	0.47	0.70	1.53

COMMENT: The property size is 6.53 acres. The area recommended for PBRs is 4.06 acres.

B. Page 6, Bonus categories section – the following should be added:

▪ Resource restoration

At this time, a restoration plan has not been provided and credit for this category can not be recommended. Credit could be awarded administratively for this category if a resource restoration plan is provided by July 31, 2005, and received County approval by August 31, 2005. Award of this category will allow restoration activities to occur in the participating open space area – activities should not impact other awarded resources. It is the landowner's responsibility to apply for and receive the necessary approvals from the applicable state and local government agencies.

C. Page 6, section A – add the following to the bonus category list:

- Resource restoration 0*

D. Page 6, section A – revise the COMMENT portion as follows:

*Award of only one of these additional categories will not increase the percent reduction recommended, but will allow the activities recommended in the approved forest stewardship and/or resource restoration plan to occur in the PBRs area – permits required are the responsibility of the owners. Award of both categories would increase the point total to 35 and the current use valuation of the enrolled property to 90% of market value.

E. Page 9 – replace recommended Condition 11 with the following recommended language:

11. If credit is awarded for the resource restoration category, the resource restoration must be implemented in a timely manner in accordance with any Resource Restoration Plan that applies to the Property and that has been approved by the King County Office of Rural and Resource Programs or its successor. During plan implementation and for the first five (5) years of enrollment, the Owner must submit a yearly monitoring report to the Office of Rural and Resource Programs or its successor describing the progress and success of the restoration, including photographs. A biologist or environmental consultant need not prepare the report.

CONCLUSIONS:

1. Approval of current use valuation for 4.06 acres of the subject property, pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, as amended, 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. Timely application has been made to King County for the current use valuation of the subject property to begin in 2006. Notice of said application was given in the manner required by law.

3. The subject property contains priority open space resources and is entitled to bonus points pursuant to the King County Public Benefit Rating System, which justify a total award of 25 points. The resulting current use value would be 20% of market value for 4.06 acres of the subject property.
4. Points may be added administratively upon submission of a forest stewardship and/or resource restoration plan by July 31, 2005, and County approval by August 31, 2005. Award of either one of these point categories will increase the point total to 30 with no change to the current use valuation of the enrolled property. Award of both point categories will result in a point total of 35 and a subsequent current use valuation for the enrolled property of 90%.

RECOMMENDATION:

APPROVE the request for current use valuation of 20% of market value for 4.06 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources & Parks report for the May 25, 2005, public hearing, and the following condition of approval:

1. Total points awarded and the resulting current use valuation may be adjusted administratively upon meeting the requirements specified in Conclusion no. 4, above.

Current use valuation shall be subject to all terms and conditions of RCW 84.34 and King County Code Chapter 20.36, as the same 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 this 7th day of June, 2005.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 7th of June, 2005, to the following parties and interested persons:

Koos & Rita Keizer
14622 NE 169th Street
Woodinville, WA 98072

Judith & Mohammed Fani
14528 NE 169th Street
Woodinville, WA 98072

Chester & Julia Lynn Murphy
14612 NE 169th Street
Woodinville, WA 98072

Steve & Karen Farness Holt
14518 NE 169th Street
Woodinville, WA 98072

Derek & Joanne L. Wood
14602 NE 169th Street
Woodinville, WA 98072

Dwayne & Denise Need
14512 NE 169th Street
Woodinville, WA 98072

Susan Monroe, Department of Assessments
Charlie Sundberg, Office of Cultural Resources

Ted Sullivan, Dept. of Natural Resources & Parks
Marilyn Cope, KCC – Committee Staff

**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 21, 2005*. 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 28, 2005*. 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 MAY 25, 2005, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E04CT020:

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Ted Sullivan representing the Department, and Chester Murphy for the Applicants. 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 Revised notice of hearing from the Hearing Examiner's Office, 5/17/05
- Exhibit No. 6a Notice of hearing from the Hearing Examiner's Office, 5/16/05
- Exhibit No. 7 Notice of hearing from the PBRs program
- Exhibit No. 8 Legal notice and introductory ordinance to County Council

- Exhibit No. 9 Application signed/notarized
- Exhibit No. 10 Letter to Applicant re: received application and approval schedule
- Exhibit No. 11 Assessor's map
- Exhibit No. 12 King County Assessor's database printouts
- Exhibit No. 13 Arcview/orthophoto maps
- Exhibit No. 14 *Reserved for future submission of resource restoration plan*
- Exhibit No. 15 Legal description of area to be enrolled
- Exhibit No. 16 Copy of letter sent to neighbors re: notification of PBRS application

PTD:ms
E04CT020 RPT
Attachment

This document is provided for information only. DO NOT complete and return. A completed copy will be furnished to the Applicant(s) by the Office of the Hearing Examiner after an application has been approved by the Metropolitan King County Council.

OPEN SPACE TAXATION AGREEMENT

Chapter 84.34 RCW

(To be used for "Open Space", "Timber Land" Classification or "Reclassification" Only)

Owner(s)
Granting Authority
Legal Description

Assessor's Property Tax Parcel or Account Number:

Department of Natural Resources & Parks File Number:

This agreement between _____ hereinafter called the "Owner", and
_____ hereinafter called the "Granting Authority".

Whereas the owner of the above described real property having made application for classification of that property under the provisions of Chapter 84.34 RCW.

And whereas, both the owner and granting authority agree to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic, and economic asset to the public, and both parties agree that the classification of the property during the life of this agreement shall be for:

Open Space

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein, do agree as follows:

1. During the term of this agreement, the land shall be used only in accordance with the preservation of its classified use.
2. No structures shall be erected upon such land except those directly related to, and compatible with, the classified use of the land.
3. This agreement shall be effective commencing on the date the legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
4. This agreement shall apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.
5. The landowner may withdraw from this agreement if, after a period of eight years, he or she files a request to **withdraw** classification with the assessor. Two years from the date of that request the assessor shall withdraw classification from the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.
6. After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), or (9), shall be considered a **breach** of this agreement, and shall be subject to removal of classification and liable for applicable taxes, penalties, and interest as provided in RCW 84.34.080 and RCW 84.34.108.
7. A breach of agreement shall not have occurred and the additional tax shall not be imposed if removal of classification resulted solely from:
 - a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
 - b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power in anticipation of the exercise of such power and having manifested its intent in writing or by other official action.
 - c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the land owner changing the use of such property.
 - d) Official action by an agency of the State of Washington or by the county or city where the land is located

- disallowing the present use of such land.
- e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
 - f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
 - 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.
 - l) The sale or transfer of land 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 and the sale or transfer takes place within two years after July 22, 2001, and the death of the owner occurred after January 1, 1991.
 - m) 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.
- This agreement shall be subject to the following conditions: _____
- _____
- _____

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 _____

City or County

Title

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

Owner(s)

Date signed agreement received by Legislative Authority _____

To inquire about the availability of this notice in an alternative format for the visually impaired or in a language other than English, please call (360)753-3217. Teletype (TTY) users may call (800)451-7985.

REV 64 0022-2 (7/23/02)