



Signature Report

June 12, 2007

Ordinance 15847

Proposed No. 2007-0222.2

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 David and Laura
5 Casey for property located at 722 West Snoqualmie River
6 Road Northeast, Carnation, Washington 98014, designated
7 department of natural resources and parks, water and land
8 resources division file no. E06CT077.

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 David and Laura Casey for property located at 722 West Snoqualmie
16 River Road Northeast, Carnation, Washington 98014, designated department of natural
17 resources and parks, water and land resources division file no. E06CT077, and the

Ordinance 15847

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

20

Ordinance 15847 was introduced on 4/9/2007 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

15847
May 18, 2007

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

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Seattle, Washington 98104
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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. **E06CT077**
Proposed Ordinance No. **2007-0222**

Open Space Taxation (Public Benefit Rating System)

Application of

DAVID and LAURA CASEY

2441 – 323rd Avenue Northeast

Carnation, Washington 98014

Location of Property: 722 West Snoqualmie River Road NE
Carnation, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 14.72 acres for 50% of market value
Department's Final:	Approve 14.72 acres for 50% of market value
Examiner:	Approve 14.72 acres for 50% of market value (with contingencies for further reductions granted administratively)

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division Report on item no. E06CT077 was received by the Examiner on May 4, 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. E06CT077 was held by the Examiner on May 16, 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: David and Laura Casey
2441-323rd Ave. NE
Carnation, WA 98014

Property location: 722 West Snoqualmie River Rd. NE
Carnation, WA 98014

PBRS categories requested: **Open space resources**
Farm and agricultural conservation land
Significant wildlife or salmonid habitat
Special animal site

Categories recommended: **Open space resources**
Farm and agricultural conservation land
Shoreline: conservancy environment
Significant wildlife or salmonid habitat
Special animal site
Surface water quality buffer
Bonus category
Resource restoration

STR: NE 32-25-07 (for parcels nos. 322507-9001 and 322507-9028)
SE 29-25-07 (for parcel no. 292507-9040)

Zoning: A-35

Parcel nos.:	322507-9001	322507-9028	292507-9040
Total acreage:	6.54	6.65	5.83
Excluded area:	4.3	0	0
Requested PBRS:	2.0 (approx.)	10.70	5.84
Recommended PBRS:	2.24	6.65	5.83

COMMENT: The total property size is 19.02 acres; the total area recommended for PBRS is 14.72 acres. The excluded area (on parcel no. 322507-9001) includes a homesite and acreage which is being enrolled in the Farm and Agricultural Lands current use taxation program.

(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 May 16, 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 6, section A – Comment: "...and the point total could increase to 28 points..."
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 5 points under the King County Public Benefit Rating System. The resulting current use value therefore would be 50% of market value for 14.72 acres of the property.
5. Additional credit under each of the categories noted below is contingent upon approval and implementation of a resource restoration plan and the following category-specific requirements:
 - A. Shoreline conservancy environment – restoration of a native buffer that is greater than 31 feet wide, 25% greater than the 25 foot buffer required in the approved farm plan.
 - B. Significant wildlife or salmonid habitat – restoration of a native buffer that is greater than 29 feet wide, 15% greater than the 25 foot buffer required in the approved farm plan.
 - C. Special animal site – restoration of a native buffer greater than that required in the approved farm plan.
 - D. Surface water quality buffer – restoration of a native buffer which is greater than 37.5 feet wide, 50% greater than the 25 foot buffer required in the approved farm plan.
 - E. Resource restoration – submission of a resource restoration plan by September 30, 2007, and approval and implementation of that plan by October 31, 2007. The resource restoration plan should address the removal of invasive species, and explain the manner in which the buffer will be replanted with native trees and under story plants over a three year period, with planting complete by 2010.

If credit is awarded for the resource restoration category, credit could potentially be awarded for the remaining categories listed above if the requirements specific to each are met. Award for these categories would increase the point total by five points each, with the exception of the special animal site category which would increase the point total by three points, and the current use valuation for the enrolled portion of the property adjusted accordingly.

CONCLUSION:

1. Approval of current use valuation of 50% of market value (as may be adjusted administratively as specified in Finding no. 5 above) for 14.72 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 50% of market value (as may be adjusted administratively as provided below) for 14.72 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources & Parks report for the May 16, 2007 public hearing, and the following additional conditional allowances of approval:

1. Credit for each of the shoreline conservancy environment, significant wildlife or salmonid habitat, special animal site, surface water quality buffer and resource restoration categories may be granted contingent on approval and implementation of a Resource Restoration Plan and upon meeting the specific requirements outlined for each category as stated in Finding no. 5 above. Credit for the special animal site category would increase the point total by three points and the remaining categories would increase the point total by five points each, with the current use valuation for the enrolled portion of the property being adjusted accordingly.

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:

David and Laura Casey
2441 – 323rd Avenue NE
Carnation, WA 98014

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 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 MAY 16, 2007, PUBLIC HEARING ON DEPARTMENT OF NATURAL
RESOURCES & PARKS FILE NO. E06CT077:**

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Sally King. 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 Application 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 Farm conservation plan
- Exhibit No. 15 *Reserved for future submission of* legal description of area to be enrolled
- Exhibit No. 16 Letter to applicant re: received application and approval schedule

PTD:ms
E06CT077 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.
REV 64 0022e (w) (7/27/05)