



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19610

Proposed No. 2023-0079.2

Sponsors Upthegrove

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 Mark Malamud for
5 property located at 10736 SW Sylvan Beach Road, Vashon,
6 WA, designated department of natural resources and parks,
7 water and land resources division file no. E22CT020.

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 Attachment A to this
11 ordinance, the report and recommendation of the hearing examiner dated April 6, 2023,
12 to approve subject to conditions, the application for public benefit rating system assessed
13 valuation for open space submitted by Mark Malamud for property located at 10736 SW
14 Sylvan Beach Road, Vashon, WA, designated department of natural resources and parks,

Ordinance 19610

- 15 water and land resources division file no. E22CT020. The council does hereby adopt as
16 its action the recommendation or recommendations contained in the examiner's report.

Ordinance 19610 was introduced on 5/2/2023 and passed by the Metropolitan King County Council on 5/9/2023, by the following vote:

Yes: 8 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry,
McDermott, Upthegrove and von Reichbauer
Excused: 1 - Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

Dave Upthegrove

E76CE01F07B14EF...

Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

Angel Foss

C267B914088E4A0...

Melani Pedroza, Clerk of the Council

Attachments: A. Hearing Examiner Report dated 4-10-2023

April 10, 2023

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

**REVISED¹ REPORT AND RECOMMENDATION TO
THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E22CT020**
Proposed ordinance no. **2023-0079**
Parcel nos. **0723039061, 0723039143, 0723039205, and 8164000185**

MARK MALAMUD

Open Space Taxation Application (Public Benefit Rating System)

Location: 10736 SW Sylvan Beach Road, Vashon

Applicant: **Mark Malamud**
2212 Queen Anne Avenue N, Unit 364
Seattle, WA 98109
Telephone: (206) 499-5961
Email: markmal@me.com

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S. Jackson Street Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4643
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 15.57 acres for 30% of assessed value
Conditionally approve 15.57 acres for 20% of assessed value

Examiner's Recommendation: Approve 15.57 acres for 30% of assessed value
Conditionally approve 15.57 acres for 20% of assessed value

¹ This revised report reflects that parcel 0723039205 is *not* enrolling in PRBS. See paragraph 4.

PRELIMINARY REPORT:

On March 9, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT020 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on March 23, 2023.

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 AND CONCLUSIONS:

1. General Information:

Owner:	Mark Malamud 2212 Queen Anne Avenue N Unit 364 Seattle, WA 98109
Location:	10736 SW Sylvan Beach Road, Vashon
STR:	SW-07-23-03
Zoning:	RA2.5 and RA10
Parcels:	0723039061, 0723039143, 0723039205, and 8164000185
Total acreage:	19.13 acres

- The Applicant timely filed an application to King County for the Public Benefit Rating System (PBRS) program current use valuation of the property to begin in 2023. As required by law, notification of the application occurred.
- Parcel -9143 is currently enrolled in PBRS, while parcel -9061 is enrolled in the designated forest land program. One purpose of this application is to reclassify -9061 and bring it into PBRS. (The other purpose is to enroll parcels -9205 and -0185.) Any new open space taxation agreement must supersede the existing agreements.
- The 0.04-acre parcel 0723039205 is already tax exempt. Therefore, there is no reason to enroll it in PBRS.
- 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 ~~strike through~~ 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 *asterisk*

represents 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
	Buffer to public or current use classified land	3
	Forest stewardship land	*
	Rural open space	5
	Watershed protection area	5
	<hr/> Total	<hr/> 18

The DNRP-recommended score of 18 points results in a current use valuation of 30% of assessed value for the enrolled portion of the property.

6. Additional credit may be awarded administratively under the forest stewardship land category, subject to submittal of a forest stewardship plan by **December 1, 2023**, and DNRP approval of that plan by **December 31, 2023**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolled portion of the property. Award of this category may allow approved forestry activities to occur on the property.
7. As to the land area recommended for PBRS enrollment, the Applicant requested 15.45 acres and DNRP recommends 15.57 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.)
8. Approval of 18 points and a current use valuation of 30% of assessed value for 15.57 acres, and conditional approval of 5 additional points and 20% of assessed value for those 15.57 acres, are consistent with KCC Chapter 20.36 and 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:

1. APPROVE a current use valuation of 30% of assessed value for the 15.57-acre enrolled portion of parcels 0723039061, 0723039143, and 8164000185.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to submittal of a forest stewardship plan by **December 1, 2023**, and DNRP approval of that plan by December 31, 2023. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 20% of assessed value for the enrolling area.

DATED April 10, 2023.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner’s recommendation.

Prior to the close of business (4:30 p.m.) on *May 4, 2023*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. 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.

Unless both a timely and sufficient appeal statement and filing fee are filed by *May 4, 2023*, the Clerk of the Council shall place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner’s recommended action. 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.

If a timely and sufficient appeal statement and filing fee are filed by *May 4, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 23, 2023, HEARING ON THE APPLICATION OF MARK MALAMUD, FILE NO. E22CT020

David Spohr was the Hearing Examiner in this matter. Bill Bernstein participated in the hearing.

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

- | | |
|---------------|---|
| Exhibit no. 1 | DNRP report to the Hearing Examiner |
| Exhibit no. 2 | <i>Reserved for future submission of the affidavit of hearing publication</i> |
| Exhibit no. 3 | Legal notice and introductory ordinance to the King County Council |
| Exhibit no. 4 | Arcview/orthophotograph and aerial map |
| Exhibit no. 5 | Application signed and notarized |
| Exhibit no. 6 | Email, submitted March 23, 2023 |

Certificate Of Completion

Envelope Id: CBFF94378D4145509023138F07A505CD	Status: Completed
Subject: Complete with DocuSign: Ordinance 19610.docx, Ordinance 19610 Attachment A.pdf	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 4	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Enveloped Stamping: Enabled	401 5TH AVE
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

Record Tracking

Status: Original	Holder: Cherie Camp	Location: DocuSign
5/10/2023 1:12:00 PM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

E76CE01F07B14EF...
Signature Adoption: Uploaded Signature Image
Using IP Address: 174.164.99.16

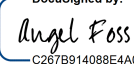
Timestamp

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Viewed: 5/10/2023 2:16:54 PM
Signed: 5/10/2023 2:17:08 PM

Electronic Record and Signature Disclosure:

Accepted: 5/10/2023 2:16:54 PM
ID: b6bf42d9-8cc6-4510-a5c5-cd803debf5d6

Angel Foss
Angel.Foss@kingcounty.gov
Deputy Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

DocuSigned by:

C267B914088E4A0...
Signature Adoption: Pre-selected Style
Using IP Address: 198.49.222.20

Sent: 5/10/2023 2:17:09 PM
Viewed: 5/10/2023 3:09:20 PM
Signed: 5/10/2023 3:09:28 PM

Electronic Record and Signature Disclosure:

Accepted: 9/30/2022 11:28:30 AM
ID: 020c9a0a-c529-4443-8490-bad8ecc7fb95

Supplemental Documents: Ordinance 19610 Attachment A.pdf

Viewed: 5/10/2023 3:09:25 PM
Read: Not Required
Accepted: Not Required

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	5/10/2023 3:09:20 PM
Signing Complete	Security Checked	5/10/2023 3:09:28 PM
Completed	Security Checked	5/10/2023 3:09:28 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, King County-Department of 02 (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact King County-Department of 02:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

To advise King County-Department of 02 of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cipriano.dacanay@kingcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from King County-Department of 02

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with King County-Department of 02

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.