

February 15, 2018

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

King County Courthouse  
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**REPORT AND RECOMMENDATION TO THE  
METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** Department of Natural Resources and Parks file no. **E17CT030**  
Proposed ordinance no. **2018-0055**  
Parcel nos. **1923039002, 1923039070, 1923039006**

**MICHAEL LANDE**

Open Space Taxation Application (Public Benefit Rating System)

Location: 14527 Vashon Highway SW, Vashon

Applicant: **Michael Lande**  
14527 Vashon Highway SW  
Vashon, WA 98070  
Telephone: (206) 412-9259  
Email: mike.lande@oracle.com

King County: Department of Natural Resources and Parks  
*represented by* **Megan Kim**  
201 S Jackson Street Suite 600  
Seattle, WA 98104  
Telephone: (206) 477-4788  
Email: megan.kim@kingcounty.gov

**SUMMARY OF RECOMMENDATIONS:**

**Department's Recommendation:**

Parcels 1923039002 and 1923039070: Approve 25.31 acres for 50% of assessed value  
Parcel 1923039006: Approve 18.04 acres for 30% of assessed value

Examiner's Recommendation:

Parcels 1923039002 and 1923039070: Approve 25.31 acres for 50% of assessed value  
 Parcel 1923039006: Approve 12.54 acres for 40% of assessed value

PRELIMINARY REPORT:

On January 26, 2018, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E17CT030 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 February 8, 2018, in the King County Courthouse, 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 Hearing Examiner's Office.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owner:	Michael Lande 14527 Vashon Highway SW Vashon, WA 98070
Location:	14527 Vashon Highway SW, Vashon
STR:	NE 19-23-03
Zoning:	RA-5
Parcel nos.:	1923039002, 1923039070, 1923039006
Total acreage:	43.35 acres

2. The Applicant timely filed an application to King County for PBRS program current use valuation of the property to begin in 2019. As required by law, notification of the application occurred.
3. 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 ~~striketrough~~ 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>	<u>1923039002</u>	<u>1923039070</u>	<u>1923039006</u>
	<i>Aquifer protection area</i>			5
	*Farm and agricultural conservation land*	*5*	*5*	*
	*Forest stewardship plan*			*
	<i>Historic landmark or archaeological site: eligible site</i>		3	
	Rural open space			5
	Significant wildlife or salmonid habitat			5
		*5*	*8*	15

The Examiner-recommended scores result in the following current use valuations:

- 5 points (all contingent) for 1923039002 results in a 50% valuation,
- 8 points (5 contingent) for 1923039070 results in a 50% valuation, and
- 15 points for 1923039006 results in a 40% valuation.

For parcels 1923039002 and 1923039070, award under the farm and agriculture category is contingent upon submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2018**. Because these two parcels are not sufficiently eligible for PBRS otherwise, failure to qualify as farm and agricultural conservation land will preclude them from enrollment in the PBRS program.

For parcel 1923039006, additional credit may be awarded administratively under the farm and agricultural conservation land and forest stewardship land categories.

For all three parcels, award of credit for the farm and agricultural land category is subject to submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2018**. Award of credit under this category will increase the point total by 5 points and the acreage by 5.50 acres.

For parcel 1923039006, award of credit for the forest stewardship land category is subject to submittal of a forest stewardship plan by **August 1, 2018**, and subsequent approval by **October 1, 2018**. Award of credit under this category will increase the point total by 5 points and may allow approved forestry activities to occur on the enrolled portion of property.

For parcel 1923039006, award of either category will result in a point total of 20, and a current use valuation of 30% of assessed value for the enrolled portion of the property. Award of both of these categories will result in a point total of 25, and a current use valuation of 20%.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 23 acres for parcel 1923039002, 2.70 acres for 1923039070, and 18.00 acres for 1923039006. DNRP recommends 22.15 acres for parcel 1923039002, 3.16 acres for parcel 1923039070, and 18.04 acres for parcel 1923039006. The Examiner recommends 22.15 for parcel 1923039002, 3.16 acres for 1923039070, and 12.54 acres for parcel 1923039006. (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 DNRP's preliminary report and testimony at the February 8, 2018, public hearing are correct and incorporated herein by reference. Copies of this report and DNRP's report will be provided to the Metropolitan King County Council for final approval.
6. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of:
  - 5 points results in a 50% valuation for 22.15 acres of parcel 1923039002
  - 8 points results in a 50% valuation for 3.16 acres of parcel 1923039070,
  - 15 points results in a 40% valuation for 12.54 acres of 1923039006, and conditional approval of 10 additional points, (which will bring the total to 25 points and 20% of assessed value and increase the acreage to 18.04 acres),

is 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:

1. APPROVE current use valuation of:
  - 50% of assessed value for 25.31 acres of parcels 1923039002 and 1923039070, CONTINGENT on submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2018**. Because these two parcels are not eligible under any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude them from enrollment in the PBRS program.
  - 40% of assessed value for 12.54 acres of parcel 1923039006.
2. CONDITIONALLY APPROVE additional credit for parcel 1923039006, to be awarded administratively, under the farm and agricultural conservation land and forest stewardship land categories.

Award of credit for the farm and agricultural land category is subject to submittal of a King Conservation District-approved farm management plan for the property by **October 31, 2018**. Award of credit under this category will increase the point total by 5 points and the acreage by 5.50 acres.

Award of credit for the forest stewardship land category is subject to submittal of a forest stewardship plan by **August 1, 2018**, and subsequent approval by **October 1, 2018**. Award of credit under this category will increase the point total by 5 points and may allow approved forestry activities to occur on the enrolled portion of property.

Award of either of these categories will result in a point total of 20 and a current use valuation of 30% of assessed value for the enrolled portion of parcel 1923039006. Award of both of these categories will result in a point total of 25 and a current use valuation of 20% for parcel 1923039006.

DATED February 15, 2018.



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David Spohr  
King County 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 *March 12, 2018*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto: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 *March 12, 2018*, 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 *March 12, 2018*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE FEBRUARY 8, 2018, HEARING ON THE APPLICATION OF  
MICHAEL LANDE, FILE NO. E17CT030**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Megan Kim both participated in the hearing on behalf of the department.

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

Exhibit no. 1	<i>Reserved for open space taxation agreement</i>
Exhibit no. 2	<i>Reserved for final ordinance</i>
Exhibit no. 3	<i>Reserved for Hearing Examiner’s report and recommendation</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
Exhibit no. 5	<i>Reserved for future submission of affidavit of publication</i>
Exhibit no. 6	Notice of hearing from the Hearing Examiner’s Office
Exhibit no. 7	Notice of hearing from the PBRs program
Exhibit no. 8	Legal notice and introductory ordinance to the King County Council
Exhibit no. 9	Application signed/notarized
Exhibit no. 10	<i>Reserved for future submission of legal description of area to be enrolled</i>
Exhibit no. 11	Email to applicant regarding received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	<i>Reserved for future submission of farm management plan</i>
Exhibit no. 14	<i>Reserved for future submission of forest management plan</i>

DS/vsm