

April 13, 2017

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

King County Courthouse
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Seattle, Washington 98104
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**REVISED¹ REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E16CT054**
Proposed ordinance no. **2017-0065**
Parcel nos. **0622039002, 0622039183, 0622039101**

VASHON MAURY ISLAND LAND TRUST

Open Space Taxation Application (Public Benefit Rating System)

Location: 19201 Vashon Highway SW, Vashon

Applicant: Vashon Maury Island Land Trust
represented by **Thomas Dean**
PO Box 2031
Vashon, WA 98070
Telephone: (206) 463-2644
Email: abel@vashonlandtrust.org

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:	Approve 11.00 acres for 10% of market value
Examiner's Recommendation:	Approve 11.00 acres for 10% of market value

PRELIMINARY REPORT:

On March 10, 2017, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E16CT054 to the Examiner. DNRP later superseded this with a revised report, but the revised report did not make it into the record until April 7, 2017.

¹ Paragraph 5.A. on page 3 explains the revision.

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 March 23, 2017, in the Ginger Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on March 21, 2017.

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:	Vashon Maury Island Land Trust PO Box 2031 Vashon, WA 98070
Location:	19201 Vashon Highway SW, Vashon
STR:	NE 06-22-03
Zoning:	RA-5 and IPSO
Parcel nos.:	0622039002, 0622039183, 0622039101
Total acreage:	12.00 acres

2. The Applicant timely filed an application to King County for PBRS program current use valuation of the property to begin in 2018. 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.)

4.

PBRS categories:	<u>Open Space Resources</u>	
	<i>Public recreation area</i>	5
	<i>Equestrian-pedestrian-bicycle trail linkage</i>	35
	Active trail linkage	
	Farm and agricultural conservation land	5
	<u>Bonus Categories</u>	
	<i>Conservation easement or historic easement</i>	15
	<i>Unlimited public access</i>	5
	Easement and access	

The DNRP-recommended score of 65 points results in a current use valuation of 10% of market value for the enrolled portion of the property.

5. As to the land area recommended for PBRs enrollment, the Applicant requested 11.00 acres and DNRP recommends 11.00 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.)
6. Except as modified herein, the facts set forth in DNRP's revised report and testimony at the March 23, 2017, 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.
 - A. DNRP filed with the Examiner a revised report that reached us on April 7, 2017, a few days after our March 31 report and recommendation. In that revised report, DNRP no longer recommends credit in the Easement and Access category, because credit in that category cannot overlap with award of the Equestrian-Bicycle Trail Linkage category. Although this reduces the former 100-point score by 35 points, that reduction does not change either the current use valuation or the enrolled acreage; the DNRP revised-recommended score of 65 points is well above the 52 points needed to earn a current use valuation of 10%, the lowest available amount.
7. Award under all categories must be conditioned upon the control and removal of invasive plant species on the property within a three-year period. Such control and removal is mandatory for the property to qualify as credited open space. Failure to meet this condition will cause disenrollment of the property from the PBRs program.
8. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 65 points and a current use valuation of 10% of market value for 11.00 acres of the property, are 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.
9. The subject property is currently enrolled in the farm and agricultural land program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreement for the parcel.

RECOMMENDATION:

1. APPROVE current use valuation of 10% of market value for the 11.00-acre enrolled portion of the property.

DATED April 13, 2017.



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 8, 2017*, 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 8, 2017*, 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 8, 2017*, the Examiner will notify all parties and interested persons and provide information about "next steps."

E16CT054—Vashon Maury Island Land Trust

MINUTES OF THE MARCH 23, 2017, HEARING ON THE APPLICATION OF VASHON MAURY ISLAND LAND TRUST, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E16CT054.

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>Not submitted</i>
Exhibit no. 2	<i>Not submitted</i>
Exhibit no. 3	<i>Not submitted</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
Exhibit no. 4A	DNRP revised 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 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: 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	Farm management plan
Exhibit no. 14	Email re revised report, dated March 14, 2017
Exhibit no. 15	Email from DNRP with revised report, April 7, 2017

DS/vsm

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CERTIFICATE OF SERVICE

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VASHON MAURY ISLAND LAND TRUST

Open Space Taxation Application (Public Benefit Rating System)

I, Elizabeth, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REVISED REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED April 13, 2017.



Elizabeth Dop
Legislative Secretary

All Parties of Record

Akada, Irene

Department of Assessments

Bernstein, Bill

Department of Natural Resources and Parks

Clark, Debra

Department of Assessments

Dean, Thomas

Vashon Maury Island Land Trust

mailed paper copy

Freitag, Ivy

Department of Natural Resources and Parks

Kim, Megan

Department of Natural Resources and Parks

Pedroza, Melani

Metropolitan King County Council

Reed, Mike

Metropolitan King County Council

Vashon Maury Island Land Trust