



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19425

Proposed No. 2022-0037.2

Sponsors Balducci

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 Jacob Green for
5 property located at 10133 SW 204th Street and 20514
6 105th Avenue SW, Vashon, WA, designated department of
7 natural resources and parks, water and land resources
8 division file no. E21CT019.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
11 findings and conclusions the findings and conclusions contained in Attachment A to this
12 ordinance, the report and recommendation of the hearing examiner dated March 16,
13 2022, to approve subject to conditions, the application for public benefit rating system
14 assessed valuation for open space submitted by Jacob Green for property located at
15 10133 SW 204th Street and 20514 105th Avenue SW, Vashon, WA, designated
16 department of natural resources and parks, water and land resources division file no.

Ordinance 19425

- 17 E21CT019. The council does hereby adopt as its action the recommendation or
18 recommendations contained in the examiner's report.

Ordinance 19425 was introduced on 2/8/2022 and passed by the Metropolitan King County Council on 4/19/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

Claudia Balducci

7E1C273CE9994B6...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:

Melani Pedroza

92FC09E4162E45A...

Melani Pedroza, Clerk of the Council

Attachments: A. Hearing Examiner Report dated March 16, 2022

Ordinance 19425

March 16, 2022

**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

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

SUBJECT: Department of Natural Resources and Parks file no. **E21CT019**
Proposed ordinance no. **2022-0037**
Parcel nos. **0622039046 and 0622039062**

JACOB GREEN

Open Space Taxation Application (Public Benefit Rating System)

Location: 10133 SW 204th Street and 20514 105th Avenue SW, Vashon

Applicant: **Jacob Green**
PO Box 2310
Vashon, WA 98070
Telephone: (206) 931-3258
Email: vashonnathan@gmail.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

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 23.86 acres for 30% of assessed value
Conditionally approve 23.86 acres for 20% of assessed value
Examiner's Recommendation: Approve 9.11 acres for 40% of assessed value
Conditionally approve 23.86 acres for 20% of assessed value

PRELIMINARY REPORT:

On February 18, 2022, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT019 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 3, 2022.

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:	Jacob Green PO Box 2310 Vashon, WA 98070
Location:	10133 SW 204th Street and 20514 105th Avenue SW, Vashon
STR:	SE-06-22-03
Zoning:	RA5 and RA10SO
Parcel nos.:	0622039046 and 0622039062
Total acreage:	19.38 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 2022. As required by law, notification of the application occurred.
- Parcel 0622039046 is currently enrolled in both the Timberland and PBRS programs. Any new open space taxation agreement must supersede the initial agreements for parcel 0622039046.
- 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 ~~strickethrough~~ 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>	
	<i>Aquifer protection area</i>	5
	<i>Buffer to public or current use classified land</i>	3
	*Farm and agricultural conservation land	*
	*Forest stewardship land	*
	<i>Significant wildlife or salmonid habitat</i>	5
	<u>Bonus Categories</u>	
Resource restoration	0	
	<hr/>	
	Total	13

A 13-point total would result in a current use valuation of 40% of assessed value for the enrolled portion of the property.

5. Additional credit may be awarded administratively under the farm and agricultural conservation land category, subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2022**. Award of credit under this category will increase the point total by five points.
6. Additional credit may also be awarded administratively under the forest stewardship land category, subject to submittal to DNRP of an updated forest stewardship plan by **December 1, 2022**, and DNRP approval of that plan by **December 31, 2022**. Award of credit under this category will increase the point total by five additional points, and may allow approved forestry activities to occur on the property.
7. Award of additional credit under *either* the farm and agricultural conservation land category *or* the forest stewardship land will increase the point total by five and result in a current use valuation of 30% of assessed value for the enrolled portion of the property. Award for *both* categories will add ten points and result in a current use valuation of 20% of assessed value for the enrolled portion of the property.
8. As to the land area recommended for PBRS enrollment, the Applicant requested 22.5 acres and DNRP recommends 23.86 acres. As explained below, only 9.11 acres are currently enrollable. Administrative credit under the farm and agricultural conservation land category will add an additional 14.75 acres, bringing the total to 23.86 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.)
9. Except as modified herein, the facts set forth in DNRP's preliminary report and testimony at the March 3, 2022, 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 recommended awarding five points for the farm and agricultural conservation land category, despite the Applicant needing to update the farm plan to be eligible for this category. Because there is still an outstanding step (an updated farm plan submittal) to satisfy this category, the examiner recommends

against awarding points now, and instead authorizing DNRP to award them administratively, if the farm plan update is timely completed.

- B. Similarly, while DNRP recommended enrolling the 14.75 acres that requires an undated farm plan to be eligible, the examiner recommends against enrolling these acres now, and instead authorizing DNRP to add these acres administratively, if the updated farm plan is timely submitted.
10. Approval of 13 points and 40% of assessed value for 9.11 acres, and conditional approval of up to 10 additional points and 20% of assessed value for what would be 23.86 enrolled 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 40% of assessed value for the 9.11-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural conservation land category (subject to submittal of a King Conservation District-approved farm management plan by **October 31, 2022**) and for the forest stewardship land category (subject to submittal to DNRP of an updated forest stewardship plan by **December 1, 2022**, and DNRP approval of that plan by **December 31, 2022**), which together would drop the current use valuation 20% and increase the enrolled area to 23.86 acres.

DATED March 16, 2022.



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 *April 11, 2022*, 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 *April 11, 2022*, 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 *April 11, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 3, 2022, HEARING ON THE APPLICATION OF JACOB GREEN, FILE NO. E21CT019

David Spohr was the Hearing Examiner in this matter. Bill Bernstein and Jacob Green 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

Certificate Of Completion

Envelope Id: 43763B4A905445DFACF7E9FBE51DB286	Status: Completed
Subject: Please DocuSign: Ordinance 19425.docx, Ordinance 19425 Attachment A.pdf	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 5	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Envelopeld Stamping: Enabled	401 5th Ave
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Suite 100
	Seattle, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

Record Tracking

Status: Original	Holder: Cherie Camp	Location: DocuSign
4/21/2022 1:51:55 PM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County General (ITD)	Location: DocuSign

Signer Events

Claudia Balducci
 claudia.balducci@kingcounty.gov
 King County General (ITD)
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 7E1C273CE9994B6...
 Signature Adoption: Pre-selected Style
 Signed by link sent to
 claudia.balducci@kingcounty.gov
 Using IP Address: 73.83.124.149

Timestamp

Sent: 4/21/2022 1:53:02 PM
 Viewed: 4/22/2022 1:30:39 PM
 Signed: 4/22/2022 1:30:50 PM

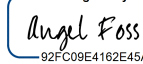
Electronic Record and Signature Disclosure:

Not Offered via DocuSign
 Supplemental Documents:

Ordinance 19425 Attachment A.pdf

Viewed: 4/22/2022 1:30:45 PM
 Read: Not Required
 Accepted: Not Required

Angel Foss
 angel.allende@kingcounty.gov
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 92FC09E4162E45A...
 Signature Adoption: Pre-selected Style
 Signed by link sent to angel.allende@kingcounty.gov
 Using IP Address: 198.49.222.20

Sent: 4/22/2022 1:30:51 PM
 Viewed: 4/22/2022 5:23:47 PM
 Signed: 4/22/2022 5:24:01 PM

Electronic Record and Signature Disclosure:

Accepted: 4/22/2022 5:23:47 PM
 ID: 377b6924-7c3e-44f5-8eeb-c301bf3c5413
 Supplemental Documents:

Ordinance 19425 Attachment A.pdf

Viewed: 4/22/2022 5:23:55 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
----------------------	------------------	------------------

Envelope Summary Events	Status	Timestamps
--------------------------------	---------------	-------------------

Envelope Sent	Hashed/Encrypted	4/21/2022 1:53:02 PM
Certified Delivered	Security Checked	4/22/2022 5:23:47 PM
Signing Complete	Security Checked	4/22/2022 5:24:01 PM
Completed	Security Checked	4/22/2022 5:24:01 PM

Payment Events	Status	Timestamps
-----------------------	---------------	-------------------

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft OBO King County ITD (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, Inc. (DocuSign) electronic signing system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

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 signing session and, if you elect to create a DocuSign signer account, you may access them 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. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and 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 Carahsoft OBO King County ITD:

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: bob.johnson@kingcounty.gov

To advise Carahsoft OBO King County ITD of your new e-mail address

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

In addition, you must notify DocuSign, Inc. to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in the DocuSign system.

To request paper copies from Carahsoft OBO King County ITD

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 e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft OBO King County ITD

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

- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail, full name, US Postal 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

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
----------------------------	---------------------------

** These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

Acknowledging your access and consent to receive materials 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 verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an 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 on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Carahsoft OBO King County ITD as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Carahsoft OBO King County ITD during the course of my relationship with you.