



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19428

Proposed No. 2022-0040.2

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 Jay and Rayna Holtz
5 Living Trust for property located at 12509 SW Cove Road,
6 Vashon, WA, designated department of natural resources
7 and parks, water and land resources division file no.
8 E21CT023.

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 Jay and Rayna Holtz Living Trust for
15 property located at 12509 SW Cove Road, Vashon, WA, designated department of
16 natural resources and parks, water and land resources division file no. E21CT023. The

Ordinance 19428

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

Ordinance 19428 was introduced on 2/1/2022 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:

7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

92FC09E4162E45A...
Melani Pedroza, Clerk of the Council

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

Ordinance 19428

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. **E21CT023**
Proposed ordinance no. **2022-0040**
Parcel nos. **2523029160 and 2523029181**

JAY AND RAYNA HOLTZ LIVING TRUST

Open Space Taxation Application (Public Benefit Rating System)

Location: 12509 SW Cove Road, Vashon

Applicant: **Jay and Rayna Holtz Living Trust**
12509 SW Cove Road
Vashon, WA 98070
Telephone: (206) 818-5251
Email: jtholtz@aol.com; raynaholtz@aol.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 7.50 acres for 30% of assessed value
Conditionally approve 7.50 acres for 20% of assessed value

Examiner's Recommendation: Approve 7.50 acres for 30% of assessed value
Conditionally approve 7.50 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. E21CT023 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 examiner's office.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owners:	Jay and Rayna Holtz Living Trust 12509 SW Cove Road Vashon, WA 98070
Location:	12509 SW Cove Road, Vashon
STR:	SW-25-23-02
Zoning:	RA5
Parcel nos.:	2523029160 and 2523029181
Total acreage:	9.75 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.
- The property is currently enrolled in the Timberland program. The purpose of this application is to reclassify the property and enroll it in PBRS. Any new open space taxation agreement must supersede the pre-existing agreement.
- 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 ~~struck 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	*
	Significant wildlife or salmonid habitat	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.

5. Additional credit may be awarded administratively under the forest stewardship land category, subject to DNRP's approval, by **August 1, 2022**, of the Applicant's draft forest stewardship plan. Award of credit under this category will increase the point total by five, resulting in a current use valuation of 20% of assessed value and potentially allowing approved forestry activities to occur on the property.
6. As to the land area recommended for PBRS enrollment, the Applicant requested 7.50 acres, and DNRP recommends the same. (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.)
7. 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.
8. Approval of 18 points and a current use valuation of 30% of assessed value for 7.50 acres, and conditional approval of 5 additional points and 20% of assessed value for the enrolling 7.50 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 7.50-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to DNRP's approval, by **August 1, 2022**, of the Applicant's draft forest stewardship plan, resulting in a current use valuation of 20% of assessed value for the 7.50-acre enrolled portion of the property.

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 JAY AND RAYNA HOLTZ LIVING TRUST, FILE NO. E21CT023

David Spohr was the Hearing Examiner in this matter. Megan Kim 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: A067F54E88C3409E94D93D8DD2A98B52	Status: Completed
Subject: Please DocuSign: Ordinance 19428.docx, Ordinance 19428 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
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 1:56:33 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

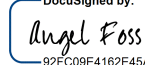
Sent: 4/21/2022 1:57:31 PM
 Viewed: 4/22/2022 1:28:32 PM
 Signed: 4/22/2022 1:28:48 PM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign
 Supplemental Documents: Ordinance 19428 Attachment A.pdf

Viewed: 4/22/2022 1:28:39 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 1:28:49 PM
 Viewed: 4/22/2022 5:21:32 PM
 Signed: 4/22/2022 5:21:48 PM

Electronic Record and Signature Disclosure:

Accepted: 4/22/2022 5:21:32 PM
 ID: f941f1a0-5033-42b8-853b-1a50e91d0004
 Supplemental Documents: Ordinance 19428 Attachment A.pdf

Viewed: 4/22/2022 5:21:41 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
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Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	4/22/2022 5:21:32 PM
Signing Complete	Security Checked	4/22/2022 5:21:48 PM
Completed	Security Checked	4/22/2022 5:21:48 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

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- 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
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