

April 28, 1999

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

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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Natural Resources, Water and Land Resources Division
File No. **E98CT058**
Proposed Ordinance No. **1999-0145**

Open Space Taxation (Public Benefit Rating System)
Application of: **Lisa Peyer and Jeff Kesner**
2301 Fairview Avenue East #204
Seattle, WA 98102

Location: 18310 – 121st Avenue Southwest, Vashon Island, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 4.00 acres
Department's Final:	Approve 4.00 acres
Examiner:	Approve 4.00 acres

PRELIMINARY REPORT:

The Water and Land Resources Division Preliminary Report on Item No. E98CT058 was received by the Examiner on March 29, 1999.

PUBLIC HEARING:

After reviewing the Water and Land Resources Division's Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E98CT058 was opened by the Examiner at 9:59 a.m., April 19, 1999, in the Fifth Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, and closed at 10:04 a.m. 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 office of the King County

Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: Lisa Peyer and Jeff Kesner
2301 Fairview Avenue East #204
Seattle, WA 98102

Location: 18310 – 121st Avenue SW
Vashon Island, Washington

Zoning: RA 5
STR: 36-23-02

Acreage: Property Total: 5.02 acres
Request for Open Space: 4.00 acres
Recommended: 4.00 acres

2. Except as modified herein, the facts set forth in the Water and Land Resources Division's Preliminary Report to the King County Hearing Examiner for the April 19, 1999, public hearing are found to be correct and are incorporated herein by reference. Copies of the Division Report will be attached hereto for submittal to the King County Council.
3. A complete application for current use open space classification was received by the Water and Land Resources Division prior to December 31, 1998. Notice for the April 19, 1999, public hearing on the application was published at least 20 days in advance of the hearing date in the Seattle Times and a local community newspaper. The staff recommends that the application be granted 25 points under the King County Public Benefit Rating System.

CONCLUSIONS:

1. The conclusions stated in the Water and Land Resources Division's Preliminary Report to the Hearing Examiner for the April 19, 1999 public hearing are found to be correct and are incorporated herein by reference.
2. A timely application has been filed and proper legal notice published with respect to the current use assessment application.
3. The application concerns property which is open space land within the meaning of RCW 84.34.020.
4. The property is eligible for open space classification under the King County Public Benefit Rating System because it contains one or more priority open space resources. The conditions of

approval recommended herein assure that the public benefits which provide the basis for reduction in tax assessment shall be maintained, preserved, conserved and continued for the economic and social well-being of King County and its citizens.

5. Based on the record, the application is entitled to a total public benefit rating of 25 points for 4.00 acres which results in a valuation of 20% of market value.

RECOMMENDATION:

APPROVE the request of Lisa Peyer and Jeff Kesner for current use taxation (open space classification) with the public benefit rating points described above, subject to the following conditions:

1. Within 30 days of the date of approval of this application by the Metropolitan King County Council the Applicants shall sign an agreement which accepts the conditions of approval and meets the requirements of WAC 458-30-240.
2. The remaining conditions of approval are those stated in the Water and Land Resources Division's Staff Report (Exhibit No. 4).

RECOMMENDED this 28th day of April, 1999.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 28th day of April 1999, to the parties and interested persons listed below:

Lisa Peyer/Jeff Kesner
2301 Fairview Avenue E #204
Seattle, WA 98102

Ted Sullivan, DNR, Resource Lands and Open Space
Tom Beavers, DNR, Resource Lands and Open Space
Susan Monroe, Department of Assessments
Charlie Sundberg, Office of Cultural Resources
Monica Clarke, Metropolitan King County Council

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before May 12, 1999*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before May 19, 1999*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

**MINUTES OF THE APRIL 19, 1999, PUBLIC HEARINGS ON WATER AND LAND RESOURCES
DIVISION FILE NO. E98CT058 – LISA PEYER AND JEFF KESNER:**

Stafford Smith was the Hearing Examiner in this matter. Participating in the public hearing was Ted Sullivan.

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

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| Exhibit No. 1 | Not offered |
| Exhibit No. 2 | Not offered |
| Exhibit No. 3 | Not offered |
| Exhibit No. 4 | Staff Report, dated April 19, 1999 |
| Exhibit No. 5 | Legal Notice to Council, dated March 3, 1999 |
| Exhibit No. 6 | Introductory Notice to Council, dated March 8, 1999 |
| Exhibit No. 7 | Affidavit of Publication Received, dated March 15, 1999 |
| Exhibit No. 8 | Notification to Applicant of Hearing, dated April 6, 1999 |
| Exhibit No. 9 | Application Signed/Notarized, dated December 14, 1998 |
| Exhibit No.10 | Legal description of designated open space |
| Exhibit No.11 | Not offered |
| Exhibit No.12 | King County Situs Report |

- Exhibit No.13 King County Assessors Database
- Exhibit No.14 Site map (see exhibit #9)
- Exhibit No.15 Arcview map
- Exhibit No.16 Notice of Hearing, Office of Hearing Examiner, dated March 30, 1999
- Exhibit No.17 Forest Stewardship Plan

SLS:vam

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