Introduced by: Audrey Gruger

Proposed No.: 93-411

ORDINANCE NO. 10892

AN ORDINANCE concurring with the joint recommendation of the King County Council Parks, Open Space and Natural Resources Committee and the Seattle City Council Parks and Public Grounds Committee to approve, subject to conditions, the open space land designation application for current use valuation of CARSTEN & CRISTI LIEN AND ROBERT & MARTHA CRAM, designated Development and Environmental Services File No. L92CT013.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

This ordinance does hereby adopt and incorporate herein as its findings and conclusions the findings and conclusions contained in the report and recommendation of the Seattle Department of Parks and Recreation and King County Environmental Division staff, which was filed with the clerk of the council June 10, 1993, to approve, subject to conditions (modified), the open space land designation application for current use valuation of Carsten & Cristi Lien and Robert & Martha Cram, designated Development and Environmental Services File No. L92CT013, and the council does hereby adopt as its

action the recommendation(s) contained in said report.

INTRODUCED AND READ for the first time this 24th day of May, 1993.

PASSED this 14th day of June, 1993.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Audrey Grugen
Chair

ATTEST:

Gerald A. Peterson
Clerk of the Council

Attachments:

1. Joint staff recommendations from Seattle Department of Parks and Recreation and King County Environmental Division.
2. June 2, 1993 letter from Seattle City Councilmember Cheryl Chow, Parks and Public Grounds Committee Chair.

KING COUNTY COUNCIL 10392

PARKS, OPEN SPACE AND NATURAL RESOURCES COMMITTEE

COMMITTEE RECOMMENDATION

DATE: June 8, 1993

Proposed Ordinance 93-411: Application for Open Space petitioned by Carsten Lien and Robert Cramm, property lying at 8810 40th Ave. NE; and 9005 42nd Ave. NE, Seattle.

COMMITTEE RECOMMENDATION:

X DO PASS

____ DO PASS SUBSTITUTE DATED _____*

____ DO NOT PASS

____ POSTPONE INDEFINITELY

____ PASS OUT OF COMMITTEE (WITH NO RECOMMENDATION)

RECEIVED
93 JUN -8 AM 11:42
CLERK
KING COUNTY COUNCIL

ATTACHMENTS ADOPTED BY THE ORDINANCE OR MOTION:

____ NONE

____ APPROVED AS REFERRED TO COMMITTEE

____ AMENDED BY COMMITTEE AND DATED ____ (List if more than one)

LARRY PHILLIPS, CHAIR

BRIAN DERDOWSKI, VICE-CHAIR

CYNTHIA SULLIVAN, MEMBER

KING COUNTY PUBLIC BENEFIT RATING SYSTEM
APPLICATION FOR CURRENT USE TAXATION
STAFF RECOMMENDATION: SEATTLE DEPARTMENT OF PARKS
KING COUNTY ENVIRONMENTAL DIVISION

APPLICANT: Carsten Lien and Robert Cram FILE NO: L92CT013

A. GENERAL INFORMATION:

Owner: Carsten & Cristi Lien and Robert W & Martha Cram (multiple parcel application)

Location: 8810 40th Avenue NE and 9005 42nd Avenue NE, Seattle

Request: Open Space
Priority Resources Requested (Open Space)
Property under option for purchase as park, recreation, open space land or capital improvement project mitigation site.
Significant plant, wildlife, and salmonid habitat area
Urban or growth area open space
Bonus- contiguous parcels under separate ownership

Zoning: SF 7200, SF 5000

Acreage
Total: 3.4 acres
Requested for open space: 2 acres
Recommended: 1.6 acres

STR: 34-26-4

B. FACTS:

1. Zoning in the Vicinity: The zoning for the neighboring parcels is SF 7200 to the east, north and immediately to the south. To the west of the parcel the zoning is SF 5000.

2. Development of the subject Property: Two single family residences are set back from the open space boundary by at least 17 feet. Within the area proposed for open space there are no structures.

3. Site Use: Approximately 1.8 acres of the property will be used for private residences. The remainder of the area is a heavily wooded ravine and contains a tributary to the headwaters of Thornton Creek.

4. Access: The proposed open space area is adjacent to 40th Avenue NE between NE 89th Street and NE 90th Street.

5. Assessed Value:

FILE NUMBER -L92CT013	SIZE		ESTIMATED LAND ASSESSED VALUE
Cram	non-classified	.85ac	150,000
507140-0006	classified	.85ac	101,100
por of	total	1.7ac	251,100
1993 levy code 0010 (10-65750)			
Lien	non-classified	.85ac	150,000
507140-0160	classified	.85ac	54,000
por of	total	1.7ac	204,000
1993 levy code 0010 (10-65750)			

Information provided by King County Assessor's Office letter dated March 23, 1993. based on the applicant's request.

Property Under Option for Purchase As Park, Recreation, Open Space etc.

This property has been mapped by the City as part of the Thornton Creek Natural Area and designated as one of the City's Greenspaces. The applicants state that other areas were under more immediate danger of development and therefore, this ravine never received permanent protection from the city. The applicants propose that this interest qualifies the land as a high priority resource under this category. There is no evidence of an option for purchase, however.

Significant Wildlife, Plant and Salmonid Habitat Area

A tributary to Thornton Creek flows through the applicant properties. Thornton Creek is known for its salmonid habitat. Applicants state that trout and salmon fingerlings have been seen regularly in the stream. There are also statements that the area contains pileated woodpecker habitat and other species of wildlife.

Urban or Growth Area Open Space

The two parcels proposed for open space classification is a remnant of the native understory plant community left after a 19th century logging of old growth coniferous trees. The area is surrounded by urban development.

Surface Water Quality Buffer Area

Staff has indicated that these properties could qualify for the surface water quality buffer area category.

Special Animal Sites

Staff has indicated that the area could qualify as a Special Animal Site under the "identified wildlife habitat network" category.(Exhibit 19)

Public Access

The applicants are proposing unlimited public access.

Conclusions and Recommendations

A. CONCLUSIONS:

1. Approval of the subject request, as modified, would be consistent with the specific purpose and intent of KCC 20.36.010.

2. Of the points requested, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

High Priority Resources (5 points each)	
Property under option for purchase	0
Significant plant, wildlife, and salmonid habitat area	5
Urban or growth area open space	5
Surface Water Quality Buffer Area	5
Medium Priority Resources (3 points each)	
Special Animal sites	3
Bonus Categories	
Contiguous parcels under separate ownership	2
Public Access	
Unlimited Public Access	5
PUBLIC BENEFIT RATING	25

25 points results in 20% of Market Value

3. Area to be classified as open space land

Cram 507140-0006	.8 acres
Lien 507140-0160	.8 acres
TOTAL	1.6 acres

B. RECOMMENDATION:

APPROVE the request, as modified, for current use taxation "Open Space" classification with a Public Benefit Rating of 25 points, subject to the following conditions.

1) Failure of the owner to comply with these conditions shall be basis for removal, by King County, of the current use

designation, in which case the land shall be subject to the penalty, tax, and interest provisions of RCW 84.34 and assessed at true and fair value. The County Assessor and the Environmental Division may re-evaluate the property to determine whether removal of the open space designation is appropriate. Removal shall follow the process in RCW 84.34.108.

2) Revisions to this agreement may only occur upon mutual written approval of the owner and Granting Authority.

3) The open space classification for this land will continue as long as it is primarily devoted to and used for the purpose of protecting open space resources. Classification will be removed if dedication to this purpose ceases to exist. A change in circumstances which diminishes the extent of public benefit from that generally outlined in the recommendation to the City of Seattle Council and the King County Council will be cause for removal of the current use assessment classification. It is the owner's responsibility to notify the Assessor of a change in circumstance.

4) When a portion of the open space land is withdrawn or removed from the program, the Environmental Division, City of Seattle Department of Parks and Recreation and the Assessor shall re-evaluate the remaining land to determine its continued qualification under the program. If the remaining portion meets the criteria for priority resources, it may continue under current use taxation.

5) Except as otherwise stated in this agreement, there shall be no alteration of the open space land or resources. **Any alteration may constitute a change of use and subject the property to the additional tax, interest, and penalty provisions of RCW 84.34.080** "Alteration" means any human-induced action that adversely impacts the existing condition of the open space land or resources including but not limited to the following:. (Walking, passive recreation, or other similar activities are permitted.)

   a. erecting structures;
   b. grading;
   c. filling;
   d. dredging;
   e. channelizing;
   f. modifying land or hydrology for surface water management purposes;
   g. cutting, pruning, limbing or topping, clearing, planting, introducing, relocating or removing vegetation. Except:

      1) In areas which have become infested by noxious weeds, the Owner shall consult with the County Noxious Weed Control Board Coordinator to obtain suggestions on controlling them.

The Owner shall submit a control and enhancement plan to the King County Environmental Division and local jurisdiction for approval prior to removing the weeds.

2) If the owner wishes to restore a resource such as a stream or wetland, the owner shall consult the city of Seattle to obtain any required permits, and develop a restoration plan in cooperation with the Soil Conservation Service, the State Departments of Fisheries or Wildlife, the King County Environmental Division, the King County Surface Water Management Division or other cognizant local or county agency.

3) In areas invaded by invasive species, replacement with native species or naturalized non-invasive species may be allowed subject to approval of an enhancement plan by the King County Environmental Division and City of Seattle.

5) Trees posing a hazard to structures or major roads may be removed if approved in advance by the City Arborist. Any trees removed must be replaced.

h. applying herbicides or pesticides or any hazardous or toxic substance;
i. discharging pollutants excepting stormwater;
j. paving, construction, application of gravel;
k. storing of equipment, household supplies, play equipment, or compost;
l. constructing trails except with prior approval of the City of Seattle.
m. or engaging in any other human activity that adversely impacts the existing vegetation, hydrology, wildlife, wildlife habitat, or other open space resource.

6) There shall be no motorized vehicle driving or parking allowed on the open space land.

9) There shall be no hunting or trapping.

10) Camping and/or campfires shall not be allowed.

11) There shall be no discharging of firearms on the site, except for law enforcement officers during an emergency.

12) Land not designated open space and presently used as a residential building site shall be valued at its true and fair value as a homesite as directed under WAC 458-30-260 (5).

The property owner may limit access to the property to a reasonable number of points through the use of fences, berms, or other access barriers, subject to approval of the Environmental Division and other appropriate agencies (list name(s) of agencies, such as Parks Department, here). Placement of access barriers shall not defeat the purpose of preserving the resource.

Unlimited Public Access: The public shall be entitled to free access to this property without special arrangements with the property owner. Public uses shall be limited to passive forms of recreation or educational pursuits in which the land and its ecological balance remain undisturbed.

"No Trespassing" signs shall not be allowed.

Signage condition (See discussion below.)

Signage Condition:

The applicants shall install a post to permit the installation of a sign designating the property as participating in the Open Space Program.

Condition specific to Resource Restoration Bonus Category:

The resource restoration must be implemented according to the restoration plan. Monitoring for 5 (five) is required. Over the monitoring period, the owner must submit a yearly monitoring report to the Environmental Division describing the progress and success of the restoration, and including photographs. The report need not be prepared by a biologist.

ADDENDUM

REQUIREMENTS SPECIFIED BY KING COUNTY CODE (KCC):

1. **KCC 20.36.010 Purpose and intent.**

"It is the in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

It is the intent of this chapter to implement RCW 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessment on "open space lands" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020. the provisions of Chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered by this chapter. (Ord. 10511 Sec. 3, 1992: Ord. 1886 Sec. 1, 1974: Ord. 1076 Sec. 1, 1971.)"

COMMENT: The completed application was received on December 30, 1992.

2. **KCC 20.36.100 Criteria for approval - public benefit rating system for open space lands.**

A. Rating system. To be eligible for open space classification under the public benefit rating system, property must contain one or more priority open space resources. These resources are ranked as high priority, medium priority and low priority resources and are based on the adopted King County Open Space Plan referenced in K.C.C. 20.12.380. High priority resources receive five points each, medium priority resources receive three points each and low priority resources receive one point each. Properties can receive a maximum of thirty points from no more than six open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to Subsection B and C and a property can achieve a maximum of fifty-two points through the rating system and the bonus system. Portions of property may also qualify for open space designation. complete definitions of each resource, sources and eligibility standards are fully described in the summary report adopted by reference by K.C.C. 20.36.150.

1. High priority resources - five points each.
   a. Active or passive recreation areas.

b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.

c. Watersheds.

d. Shoreline "Conservancy" environment in priority areas with public access.

e. Scenic resources, viewpoints and view corridors.

f. Surface water quality buffer area.

g. Rural or low density open space close to urban growth areas.

h. Significant plant, wildlife and salmonid habitat area.

i. Significant aquatic ecosystems.

j. Historic landmarks/archaeological sites: designated sites.

k. Trail linkages

l. Urban or growth area open space.

2. Medium priority resources - three points each.

a. Public lands and right-of-way buffers.

b. Special native plant sites.

c. Shoreline natural environment.

d. Geological features.

e. Eligible historic landmarks or archaeological sites.

f. Buffers to designated historic landmarks/ archaeological sites.

g. Special animal sites.

3. Low priority resources - one point each.

B. Bonus System. Properties qualifying in the specific high, medium or low priority categories may receive up to twelve bonus points in at least three categories if the following additional qualifications are met:

1. Resource restoration - five points.

2. Bonus surface water quality buffer - three or five points.

3. Contiguous parcels under separate ownership - two points.

4. Conservation/historic easement in perpetuity - five points.

5. Bonus public access points (granted only in categories that require public access).

a. Unlimited public access - five points.

b. Limited public access - sensitive areas - five points.

c. Limited public access - non-sensitive areas - three points.

C. Super bonus system. Properties with at least one high priority resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a conservation, historic, or trail easement in perpetuity, in a form approved by

the county, shall be automatically eligible for current use value at 10% of market value.

COMMENT: Points requested by the applicant and comments discussed in recommendation.

10892

KING COUNTY COUNCIL MEETING
Monday June 14, 1993

ITEM #

TYPE OF ACTION: Current Use Assessment - Open Space

COMMUNITY PLANNING AREA: City of Seattle

NUMBER OF ACRES: 1.6 acres out of 3.4 total acres qualifies

NUMBER OF LOTS: N/A

CURRENT ZONING: SF 7200, SF 5000

PROPOSED ZONING: N/A

HEARING BODY: Separate public hearings conducted by the Seattle City Council Parks and Public Grounds Committee and the King County Council Parks, Open Space and Natural Resource Committee

GENERAL CONDITIONS:

- Open space classification will be removed if the land is used inconsistently with the purpose of this classification.
- A portion of the property may be withdrawn from the program without affecting the remaining area if the remaining area meets the same criteria for classification as did the classified portion of the property at the time of approval.
- No alteration of the open space land or resource is permitted except for the removal of noxious weeds or hazard trees and revegetation with native or naturalized non-invasive species, subject to the approval of an enhancement plan.
- Recreation activities within the open space area is limited to walking and other similar passive recreation activities.
- The property owner may limit public access to the property to a reasonable number of points but requests for public access shall not be unreasonably withheld.
- There shall be a sign posted on the property designating the property as participating in the Open Space program.
- The resource restoration for the surface water quality buffer area must be implemented according to an approved restoration plan and monitoring is required for five years.

10892

Seattle City Council

June 2, 1993

Honorable Larry Phillips, Chair
Parks, Open Space & Natural Resources Committee
King County Council
King County Courthouse
Seattle, Washington 98104

RE: Current Use Taxation Applications: L92CT012
L92CT013
L92CT025

Dear Councilmember Phillips:

With this letter the Parks and Public Grounds Committee of the Seattle City Council transmits its actions on the above applications. Pursuant to RCW 84.34.037(1) the members of the Parks and Public Grounds Committee of the Seattle City Council were selected to serve as the three Seattle panel members on the granting authority. A public hearing was held before the Seattle Parks and Public Grounds Committee on May 20, 1993, at 9:00AM, following public notice in the Daily Journal of Commerce on May 10, 1993.

The Parks and Public Grounds Committee has made the following determinations based on the public hearing and staff reports from King County Environmental Division and Seattle Department of Parks and Recreation:

L92CT012
Withdrawn from consideration.
(Application withdrawn May 11, 1993 by property owner.)

L92CT013
Staff report accepted (with map of area to be classified as open space).
Approval of points to be awarded (see attached staff notes).
Approval of additional points conditioned on donation of qualifying conservation easements by December 31, 1993.
In addition, the Committee made the following statement:

> It is our expectation that the [conservation] easement[s] would be taken into account in future LID's [Local Improvement District] to the extent permitted by law.

An equal employment opportunity—affirmative action employer

L92CT025
Staff report accepted (with maps of areas to be classified as open space).
Approval of points to be awarded for Waggener, Sussman, and Close/Foecke (see attached staff notes).
Approval of additional points conditioned on implementation of a restoration plan on all three properties.
(This will allow for an adjustment in the tax rate following restoration without necessitating a reapplication.)

We understand that King County Council Parks, Open Space & Natural Resources Committee will be holding a public hearing on June 8, 1993 at 9:30AM and will then forward a joint recommendation to the full King County Council for adoption. We understand that Open Space Taxation Agreements (with attached Conditions) will be finalized by County and City staff for signature by the property owners and King County Council.

We are pleased to see this program underway and appreciate the cooperative working relationship between the City and the County.

Sincerely,

Councilmember Cheryl Chow, Chair
Parks and Public Grounds Committee
Seattle City Council

cc: Councilmember George Benson, President
Councilmember Jim Street, Parks and Public Grounds Committee
Councilmember Tom Weeks, Parks and Public Grounds Committee
Robert & Martha Cram, L92CT013
Carsten & Cristi Lien, L92CT013
Thomas Waggener, L92CT025
Jerry & Peggy Sussman, L92CT025
Pat Close/David Foecke, L92CT025

10892

NOTICE IS HEREBY GIVEN that the Parks and Open Space Committee of the King County Council will meet in Room 401 of the King County Courthouse, 516 Third Avenue, Seattle, Washington on June , 1993 at , or as soon thereafter as possible, to consider applications for classification and real property assessment under Current Use Assessment Statute RCW 84.34, all listed hereafter;

L92CT012 - ROBERT AND LINDA KANTER, 2841 Magnolia Blvd. W., Seattle WA 98199; STR: NW 22-25-03; REQUEST: Open Space; Size 0.53 acre; Zone: SF7200; Tax # 136730-0065

93-411

L92CT013 - CARSTEN LIEN AND ROBERT CRAM, 8810 40th Avenue NE & 9005 42nd Avenue NE, Seattle, WA 98115; STR: SW 34-26-03; REQUEST: Open Space; Size 3.4 acres; Zone: SF7200; Tax #s 507140-0006 and 507140-0160

L92CT025 - THOMAS P. WAGGENER, 111 33rd Avenue East; JACK AND PEGGY SUSSMAN, 184 33rd Avenue East; GIRARD M & ROSEMARY W. STEVEN, 230 35th Avenue East; PAT CLOSE & DAVID FOECKE, 3306 East John Street; CATHERINE NUNNELEY & SANFORD LEVY, 128 33rd Avenue East, all in Seattle, WA 98112; STR: SW 27-25-04; REQUEST: Open Space; Size: 0.55 acre; Zone: SF5000; Tax #s 910300-0015, 177850-0655, 177850-0330, 177850-0095, 910300-0190.

93-411

Intro 5/24/93

10892

Introduced by: AUDREY GRUGER

PROPOSED ORDINANCE
NO. 93-411

AN ORDINANCE for Current Use Assessment Application for OPEN SPACE petitioned by Carsten Lien & Robert Cram and designated Development and Environmental Services File No.L92CT013

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

SECTION I.