



Return Address:
Dept of Assessments
853 King Co Admin Bldg
Seattle, Wa 98104

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

- 1. OPEN SPACE TAXATION AGREEMENT
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name first, then first name and initials)

- 1. Wayne Golf Course
- 2.
- 3.
- 4.

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

- 1. King County, Washington
- 2.
- 3.
- 4.

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Por in Sec 7, Twp 26N, Rge 5E, W.M.

Additional legal is on page 5 of document.

Assessor's Property Tax Parcel/Account Number

072605-9262

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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After Recording, Return to:
Department of Assessments
500 Fourth Avenue, Room 708
Seattle, WA 98104
ATTN: George Kritsonis

OPEN SPACE TAXATION AGREEMENT

(To be used for "Open Space" or "Timber Land" Classification, only)

This Agreement between Wayne Golf Course hereinafter called the "owner", and
(granting authority) King County, Washington

Whereas the owner of the following described real property having made application for
classification of that property under provisions of RCW 84.34.

And whereas, both the owner and legislative authority desire to limit the use of said property,
recognizing that such land has substantial public value as open space and that the preservation of
such land constitutes an important physical, social, esthetic and economic asset to the public, and
both parties agree that the classification of the property during the life of this Agreement shall be
for:

Open Space

(Open Space or Timber Land)

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth
herein, do agree as follows:

- (1) During the term of this Agreement, the land shall only be used in accordance
with the preservation of its classified use.
- (2) This agreement shall be effective commencing on the date the legislative body
receives the signed Agreement from the property owner.
- (3) This Agreement shall run with the land described herein and shall be binding
upon the heirs, successors and assigns of the parties hereto.
- (4) Withdrawal: The land owner may withdraw from this Agreement if after a
period of eight years the land owner makes a withdrawal request to the
assessor. When two assessment years have elapsed following the date of that
request the assessor shall withdraw the land from the classification, and the
applicable taxes and interest shall be imposed as provided in RCW 84.34.070
and 84.34.108
- (5) Breach: After land has been classified and an Agreement executed, any
change of the use of the land, except through compliance with items (4) or (6)
of this Agreement, shall be considered a breach of this Agreement, and subject
to applicable taxes, penalties and interest as provided in RCW 84.34.080 and
84.34.108.

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(6) A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation resulted solely from:

- (a) Transfer to a government entity in exchange for other land located within the state of Washington;
 - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain, or anticipation of the exercise of such power said entity having manifested its intent in writing or by other official actions;
 - (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
 - (d) Official action by the state of Washington or by the county or city within which the land is located which disallows the present use of such land.
 - (e) Transfer to a church and such land would qualify for exemption pursuant to RCW 84.36.020.
 - (f) Acquisition of property interests by state agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108 (5)(f)).
- (7) The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this Agreement.
- (8) Reclassification as provided in chapter 84.34. RCW

Legal Description of Classified Land:

See "Attachment A" which is incorporated by reference and made a part of this agreement.

Assessor's Parcel or Account Number: 072605-9262

Conditions:

This agreement shall be subject to the following conditions set forth in the attached report and recommendation "Attachment B" which is incorporated by reference and made part

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of this agreement. "Attachment B" was approved by the City of Bothell June 2, 1997, and the Utilities and Natural Resources Committee of the Metropolitan King County Council June 26, 1997.

It is declared that this agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by the Granting Authority.

Dated August 29, 1997

Granting Authority:

King County, Washington
City or County

By Jane Hague
Jane Hague
Chair of Council

As owner(s) of the herein described land I (we) indicate by my (our) signature(s) that I (we) are aware of the potential tax liability and hereby accept the classification and conditions of this Agreement.

Dated 9-11-97

D. P. Richards
Owner(s)

(Must be signed by all owners)

Subscribed and sworn to before me this 11th day of Sept, 1997

Karen Grisham
Notary Public

Date signed Agreement received by Legislative Authority
September 29, 1997



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Additional Signature Page – Open Space Taxation Agreement

As owner(s) of the herein described land I (we) indicate by my (our) signature(s) that I (we) are aware of the potential tax liability and hereby accept the classification and conditions of this Agreement.

Dated 9/29/97


Owner(s)


Owner(s)

(Must be signed by all owners)

Subscribed and sworn to before me this 29 day of Sept., 1997


Notary Public

Date signed Agreement received by Legislative Authority

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LEGAL DESCRIPTION

PARCEL 072605-9262

POR OF S 1/2 OF SEC 7 DAF-BEG ON W LN OF SE 1/4 OF SW 1/4 589.8 FT S OF NW COR THOF TH S 78-29-50 E 1218.81 FT TO A PT ON N & S C/L OF SEC 7 517.83 FT N OF S 1/4 COR OF SD SEC 7 TH S 41-01-05 E 613.90 FT TH S 74-52-05 E 194.53 FT TH N 78-58-55 E 290 FT M/L TO C/L OF SAMMAMISH RIVER TH ELY ALG SD C/L TO WLY MGN OF STATE HWY # 2-A TH NLY ALG SD WLY MGN TO INTSN WITH E LN OF SW 1/4 OF SE 1/4 OF SEC 7 TH NLY ALG SD E LN TO SLY LN OF N P RY R/W TH NWLY ALG SD R/W LN TO W LN OF NW 1/4 OF SE 1/4 SEC 7 TH SLY ALG SD W LN TO SW COR THOF TH WLY ALG N LN OF SE 1/4 OF SW 1/4 SEC 7 TO NW COR THOF TH SLY TO POB LESS POR THOF LY NLY OF SLY LN OF P/L R/W LESS ST LESS POR - BEG NW COR LOT 5 BLK 1 VALHALLA DIV 1 A TH NELY ALG N LN THOF 111.39 FT TO TPOB TH CONT NELY 33.42 FT TO NE COR OF SD LOT TH N 15-27-57 E ALG NLY EXTN OF E LN OF SD LOT TO C/L OF SAMMAMISH RIVER TH WLY ALG SD C/L 30 FT M/L TO A LN THAT BEARS N 15-27-57 E FR TPOB TH S 15-27-57 W TPOB PER BOTHELL LLA SPL 0006-94 REC 9412130643 - SUBJECT TO CONSERVATION ESMT AS RECORDED UNDER REC NO 9601031097.

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**CITY OF BOTHELL
KING COUNTY DEPARTMENT OF NATURAL RESOURCES
WATER AND LAND RESOURCES DIVISION**

**REPORT AND RECOMMENDATION TO THE METROPOLITAN
KING COUNTY COUNCIL UTILITIES AND
NATURAL RESOURCES COMMITTEE**

June 26, 1997

APPLICANT: Wayne Golf Course, Inc.

FILE NO: E96CT043B

A. GENERAL INFORMATION:

Owner: Wayne Golf Course, Inc.
16721 - 96th Ave. NE
Bothell, WA 98011

Location: Same as above

Priority Resources Requested:

HIGH PRIORITY RESOURCES

- Active or passive recreation
- Property under option for purchase as park, recreation, or open space land
- Scenic resource, viewpoint or view corridor
- Surface water quality buffer area
- Rural or low density open space close to urban or growth area

Trail linkage

BONUS RESOURCES

Conservation/historic easement

PUBLIC ACCESS

Limited access - Due to Resource Sensitivity

SUPER BONUS CATEGORY

Priority Resources Recommended:

HIGH PRIORITY RESOURCES

- Active or passive recreation
- Property under option for purchase as park, recreation, or open space land
- Scenic resource, viewpoint or view corridor

BONUS RESOURCES

Conservation/historic easement

PUBLIC ACCESS

Unlimited access

SUPER BONUS CATEGORY

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Zoning: A

Acreage

Total:	50.30
Requested for Open Space:	50.30
Recommended Open Space:	50.30

STR: SW-07-26-05

B. FACTS:

1. Zoning in the Vicinity: Zoning in the area of this property is that of an incorporated area, the City of Bothell.
2. Development of the subject property: The property is a golf course. It contains nine holes of an eighteen hole golf course, club house, storage building, and gravel parking lot.
3. Site Use: The property is used as a public golf course.
4. Access: The property is accessed from 96th Ave. NE.
5. Assessor Valuation (Dated: 05/14/97)

<u>Parcel #</u>	<u>Land Assessed Value</u>
072605-9262	Market \$352,100

C. 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 appropriate application was received and all documentation was complete upon submittal.

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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 area.
 - b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.
 - c. Aquifer protection area.
 - d. Shoreline: "Conservancy" environment.
 - e. Scenic resource, viewpoint, and view corridor.
 - f. Surface water quality buffer area.
 - g. Rural or low density open space close to urban growth area.
 - h. Urban or growth area open space.
 - i. Significant plant, wildlife and salmonid habitat area.
 - j. Significant aquatic ecosystem.
 - k. Historic landmark/archaeological site: designated site.
 - l. Trail linkage.
 - m. Farm and agricultural conservation land.
2. Medium priority resources - three points each.
 - a. Public lands and right-of-way buffer.
 - b. Special native plant site.
 - c. Shoreline: "Natural" environment.
 - d. Geological feature.
 - e. Eligible historic landmark or archaeological site.
 - f. Buffer to designated historic landmark/archaeological site.
 - g. Special animal site.
3. Low priority resource - one point.
 - a. Buffer to eligible historic landmark/archaeological site.

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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 applicants and comments follow:

HIGH PRIORITY RESOURCES

1. Active or passive recreation:

The property has been devoted to providing recreational use as a public golf course since 1931. The facility is open to the general public and charges a fee no higher than like public facilities would charge. Credit for this category is recommended.

2. Property under option for purchase as park, recreation, open space land or capital improvement project mitigation site:

The City of Bothell has a recorded option for purchase (Exhibit #16). The site will be permanently maintained for either a golf course, low impact open field recreation, open space park, agriculture or wildlife use. Credit for this category is recommended.

3. Scenic resource, viewpoint, or view corridor:

The property, according to the conservation easement, "serves as a view corridor adjacent to the Burke-Gilman Trail and State Route 522 providing scenic value to the public and open space forming a green way adjacent to the Sammamish River..." Supported by this definition and the property's scenic value to the City of Bothell, credit for this category is recommended.

4. Surface water quality buffer area:

The property contains a section of the Sammamish River. Although this River section is located on the property, the buffer required by the Sensitive Areas Ordinance and this category, 1.5 times the SAO, does not exist. Credit for this category can not be recommended.

5. Rural or low density open space close to urban or growth area:

The property is located in the City of Bothell. Credit for this category can not be recommended.

6. Trail linkage:

The Burke-Gilman Trail is adjacent to a section of the northern property line. However, to receive credit for this category, a recorded trail easement must be located on the property. Credit for this category can not be recommended.

BONUS RESOURCES

1. Conservation easement:

The property has a recorded conservation easement (Exhibit #17). This easement in perpetuity limits the property's future use to be maintained as either a golf course, low impact open field recreation, open space park, agriculture or wildlife area. Credit for this category is recommended.

PUBLIC ACCESS

1. Limited public access - Due to resource sensitivity:

Access to the golf course is not based on resource sensitivity, but rather on the number of golfers which can use the course at any one time. Unlimited public access credit is more appropriate for this property due to the recreational use that it provides. Credit for this category is not recommended.

2. Unlimited public access:

The golf course is open to the public year round, during day light hours, to those who wish to play golf. The owner charges a fee which is comparable to a like public facility. Access is based on a, "first come, first served" basis. Credit for this category is recommended.

SUPER BONUS CATEGORY

The applicant is providing unlimited public access AND is providing active recreation, a recorded option for purchase, and a scenic corridor AND has a recorded conservation easement with the City of Bothell. The approval of a high priority resource, unlimited access, and a conservation easement, will automatically qualify a property for a 90% tax reduction. Credit for this category is recommended.

D. 1994 COMPREHENSIVE PLAN POLICIES AND TEXT: ,

Policy # PR-105

"A variety of measures should be used to preserve regional and local parks, trails and open space. King County will rely on incentives, regulations, trades or purchase of lands or easements."

COMMENT: Current use taxation is an incentive to maintain high quality lands as open space.

Policy # NE 101

"In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment whenever practicable. Incentives should be monitored to determine their effectiveness."

COMMENT: The Public Benefit Rating System is an incentive program which protects natural resources voluntarily.

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. Approval of the subject request, as modified, would be consistent with Policies PR-105 and NE-101 of the 1994 King County Comprehensive Plan.
3. Of the points requested, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

HIGH PRIORITY RESOURCES

- Active or passive recreation 5
 - Property under option for purchase as park, recreation, open space land or capital improvement project mitigation site 5
 - Scenic resource, viewpoint, or view corridor 5
 - Surface water quality buffer area 0
 - Rural or low density open space close to urban or growth area 0
 - Trail linkage 0
- Subtotal 15

(Count points from no more than six categories...30 points maximum)

BONUS RESOURCES

- Conservation/Historic easement 5

PUBLIC ACCESS

- Limited public access - Due to resource sensitivity 0
- Unlimited public access 5

Subtotal 10

SUPER BONUS CATEGORY

Automatic Point Total 35

TOTAL OF 35 POINTS

PUBLIC BENEFIT RATING

35 points results in 10% of market value or a 90% reduction.

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B. RECOMMENDATION:

APPROVE the request, as modified, for current use taxation "Open space" classification with a Public Benefit Rating of 35 points, subject to the following conditions.

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 Water and Land Resources 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. These conditions shall apply so long as the property retains its open space designation or until a conservation easement is granted to the City of Bothell by the applicant or his successors or assigns.

Upon recording of an approved conservation or trail easement, conditions contained in this recommendation shall be automatically superseded and replaced by conditions contained within the approved easement.

3) The open space classification for this land will continue so long as it is primarily devoted to and used for the purpose of protecting open space. 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 City of Bothell and the Water and Land Resources Division Report And Recommendation To The Metropolitan King County Council Utilities And Natural Resources Committee 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 Water and Land Resources Division 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 section 6 of 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, horseback riding, passive recreation or actions taken in conjunction with a resource restoration plan, or other similar activities are permitted.)*

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- 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, however, selective cutting may be permitted for firewood;
 - 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) engaging in any other activity that adversely impacts the existing vegetation, hydrology, wildlife, wildlife habitat, or other open space resource.
- 6) Notwithstanding the provisions of Section 5, the following limited uses, activities and alterations are permitted, following receipt of written approval as set forth below:
- a) In areas which have become infested by noxious weeds, the Owner shall submit a control and enhancement plan to the King County Water and Land Resources Division and local jurisdiction for approval prior to removing the weeds.
 - b) In areas invaded by non-native invasive species, replacement with native species or other appropriate vegetation may be allowed subject to approval of an enhancement plan by the King County Water and Land Resources Division.
 - c) Trees posing a hazard to structures or major roads may be removed, according to city and county permits and requirements. Any trees removed must be replaced.
- 7) There shall be no motorized vehicle driving or parking allowed on the open space land with the exception of vehicles normally associated with the maintenance of golf courses.
- 8) Activities which are consistent with golf uses and maintenance shall be permitted as long as those activities do not conflict with limitations required by other awarded categories.
- 9) Unlimited public access will be permitted during daylight hours upon the designated area of the open space land.

TRANSMITTED to the parties listed hereafter:

Wayne Golf Course, Inc., Applicant
The City of Bothell
Metropolitan King County Council Utilities and Natural Resources Committee
George Kritsonis, King County Assessor's Office