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Auditor File #: 1998 1106012

RESOL

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SJC BD OF COMMISSIONERS

on 11/06/1998 at 11:52

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SAN JUAN COUNTY, WASHINGTON

SI A. STEPHENS, AUDITOR

Document Title(s): Res. No. 107-1997

Grantors: SJC

In consideration of : (Or other conveyance language)

Grantees:

The Kona Trust + Paul Allen

Tax Parcel Number(s):

see record

Legal Description:

see record

Reference Auditor File Numbers:

1998 1106012

RESOLUTION NO. 107 1997

**RESOLUTION APPROVING A PUBLIC BENEFIT RATING FOR OPEN-OPEN SPACE FOR KONA TRUST AND PAUL ALLEN, LOPEZ ISLAND, FILE NO. 97OS002**

**WHEREAS**, The Kona Trust and Paul Allen made application to classify and transfer approximately 387 acres from designated forest land to open-open space on January 29, 1997; and

**WHEREAS**, the Open Space Advisory Team and the Administrator visited the site, rated the open space resources, and made a recommendation of 74 points to the Planning Commission; and

**WHEREAS**, the Planning Commission held a public hearing on October 17, 1997, and recommended approval of the application to the Board of County Commissioners with the following changes:

1. Increase the points awarded for undeveloped shoreline from 3 to 6. The points were increased because of the extensive amount of shoreline that would be left undeveloped.
2. Increase the points awarded for archaeological sites from 0 to 3. The points were increased because of the middens located along the shoreline near the existing and proposed structures.
3. The above-mentioned changes would increase the overall rating from 74 to 80 points; and

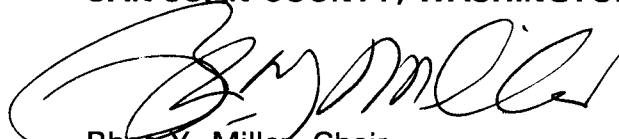
**WHEREAS**, the Board of County Commissioners held a public hearing on November 25, 1997, and approved the application as recommended by the Planning Commission with minor changes; and

**NOW, THEREFORE, BE IT RESOLVED** that, the Board hereby adopts the findings, conclusions and recommendations of the Planning Commission as attached hereto as Attachment "A".


ADOPTED THIS 9<sup>th</sup> day of December, 1997.

C: PERMIT CTR  
PROC.  
RES. BINDER  
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12-10-97 JB

**BOARD OF COUNTY COMMISSIONERS  
SAN JUAN COUNTY, WASHINGTON**



Rhea Y. Miller, Chair

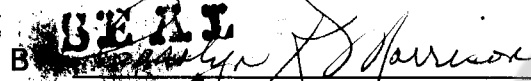


Darcie L. Nielsen, Member



John B. Evans, Member

ATTEST: B. A. Stephens, Auditor  
and Ex-Officio Clerk of the Board

  
Lillian Harris, Deputy      Date 12/9/97  
CARDLYN MORRISON

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**ATTACHMENT "A"  
 TO THE OPEN-OPEN SPACE APPLICATION FOR  
 THE KONA TRUST AND PAUL ALLEN  
 LOPEZ ISLAND, FILE NO. 97OS002**

**FINDINGS AND CONCLUSIONS:**

1. Paul Allen and the Kona Trust (of which Paul Allen is the sole beneficiary) made application to classify 387 acres plus tidelands as open-open space. The proposal includes transferring a portion of the property from Designated Forest Lands (DFL) to open-open space.

2. The Comprehensive Plan Designation is Rural -10. The Shoreline Designations are Rural and Conservancy.

3. The property is located on the southeast side of Lopez Island at Sperry Peninsula. The assessor parcel numbers, acreage, fair market values, current use values for DFL, and estimated fair market values for the DFL properties are noted below. All properties except APN 140544001 are owned by Allen Israel, ttee. APN 140544001 is owned by Paul Allen:

PARCEL NO.	ACREAGE	FMV	ESTIMATED CUV	FMV <sup>1</sup>
140422002	9.5	\$470,850		
140422003	32.05		\$6280	\$512,800
140423001	40		9040	640,000
140424001	22.81		1110	364,960
140424002	17.49	822,380		
140432001	37.47		7660	599,520
140433001	2.53	7590		
140433002	2.3		520	36,800
140433003	44.08	409,570		
140445002	Tidelands	8630		
140511002	14.34	423,330		
140511003	39.35		4640	629,600
140541001	22.28	1,141,650		
140541002	24.34		1870	389,440
140543001	27.34		1790	437,440
140544001	15.06	425,490		
140544002	5.3	185,550		

<sup>1</sup>Based on a value of \$16,000/ac

140544004	30.87		2590
140545001	Tidelands	22,740	
140945001	Tidelands	13,170	

Totals 387.11 \$3,930,950 \$35,500 \$3,610,560  
Total of FMV and CUV: \$3,966,450  
Total of FMV and Estimated FMV: \$7,541,510

4. The proposal is exempt from SEPA.

5. The site encompasses an area of 387 acres plus tidelands and 18,659 feet of shoreline. The property was previously used as a camp until it recently sold. The applicant purposes to construct a caretaker residence, bunkhouse, three single family residences, tennis courts, and accessory structures. The applicant was not sure which if any of the existing camp related structures would be removed. The property includes a lake, archaeological middens, a large estuary, numerous coves and bays, and eagle nests.

6. The applicable policies and regulations are:

Chapter 16.50 - Open Space Program  
RCW 84.34 Open Space

7. The Open Space Advisory Team rated the open space resources on the property based on the criteria established by the Open Space Program for the public benefit rating system. The team reviewed the application and evidence submitted by the applicant and conducted a site visit. Points were awarded for the following:

- a. Views - The property has a wide variety of terrain and resources and is highly visible from public roads and waterways (6 pts).
- b. Undeveloped shoreline - The proposed structures would be visible from public roads and waterways. Future development has been considered in this rating. A large percentage of the shoreline would remain undeveloped (6 pts).
- c. Wildlife habitat - Forest lands, meadow, wetland, and shoreline habitats (9 pts).
- d. Lands within a priority watershed - The entire property is within a priority watershed (9 pts).
- e. Fresh water - One large man-made lake (3 pts).

- f. Salt Water - Wide variety of shoreline resources including an estuary, numerous coves and bays (9 pts).
- g. Special animal sites - Four bald eagle nests on the property (9 pts).
- h. Special plant sites - Prickly pear cactus (3 pts)
- i. Geological/geomorphological features - Sperry peninsula is a prominent geomorphological feature (4 pts).
- j. Archaeological sites - Registered midden located close to proposed and existing development (3 pts).
- k. Public Access - Group access was granted to the following organizations: University of Washington Marine Labs at Friday Harbor, University of Washington Botany and Zoology Departments, Lopez Island Historical Society, Walla Walla College Marine Station at Anacortes, San Juan Audubon Society, Western Washington University Shannon Pt., Labs, Lopez Island School District, Shaw Island School District, San Juan Island School District, Orcas Island School District (including Waldron). In addition, the owner will provide, upon written request, access to other groups which can demonstrate an educational, cultural or spiritual purpose or objective in visiting Sperry so long as the request is consistent with the open space agreement and the visit would not threaten or endanger open space resources.  
  
Points granted for access are based on the ease of accessibility, the type of groups (San Juan Co. based and likelihood of use), restrictions, and resource variety. The property was rated as follows (maximum of 10 points possible):  
  
Accessibility - High (2.5 pts)  
Type of Groups - Medium (1.75 pts)  
Restrictions - Medium (1.75 pts)  
Resource Variety - High (2.5 pts)  
Total - 9 pts.
- l. Parcel size - Parcels with 100 acres or more are awarded 10 points.

8. The total number of public benefit rating points awarded to the applicant was 80. Seven acres should be taxed at fair market value for existing and proposed improvements as follows:

- a. Caretaker residence 1 acre
- b. Main residence 2 acres
- c. Two single family residences 1 acre each
- d. Bunkhouse 1 acre
- e. Accessory structures 1 acre

9. The 1997 tax levy for Lopez Island is \$7.78920 per \$1000 of assessed valuation. The 1997 taxes are \$30,895 (land only). If the entire property was taxed at fair market value the taxes would be approximately \$58,742.

(6)

10. The fair market values and estimated tax benefit for each parcel are noted below:

Fair market value of land: \$7,541,510

Fair market of 7 acres removed for existing improvements: \$875,000  
(7x\$125,000 = \$875,000)

Current use value: \$1,333,302  
( $\$7,541,510 - \$875,000 = \$6,666,510 \times .20 = \$1,333,302$ )

Taxes: \$ 17,200  
( $\$1,333,302 + \$875,000 = \$2,208,302 / 1000 = 2208.302 \times 7.78920 = \$17,200$ )

Change in taxes: Approximately \$13,694 less than the 1997 taxes noted in finding 9.

These values are approximate and will vary when the public benefit rating is applied by the Assessor, when the fair market value for the DFL properties and improved properties are determined, and as assessed values change over time.

**TERMS AND CONDITIONS:** Approve the Open-Open Space Application for The Kona Trust and Paul Allen based on the above-listed findings and the following conditions:

1. The subject property is awarded a public benefit rating of 80 points.
2. Any alteration or change of use is prohibited without prior approval from the Open Space Advisory Team. This includes, but shall not be limited to, construction of structures, alteration of existing structures, pond construction, new landscaping and gardens, grading, tree removal, paving, and/or road construction. General maintenance of existing resources is allowed provided that it would not alter any of the open space resources or result in a change of use of said resources. The Team shall review and approve all proposed changes/alterations for consistency with the open space agreement and the Open Space Program. Proposed changes/alteration not consistent with the Open Space Agreement and Open Space Program shall be reviewed by the Board of County Commissioners, pursuant to Section 16.50.620.
3. Open space land transferred to a new owner will be removed from open space classification if the County Assessor does not, prior to sale or transfer, receive from the new owner a notice of continuance with the Open Space Taxation Agreement.
4. Withdrawal of any portion of the land covered under the open space agreement shall trigger reevaluation of the remaining portion by the Open Space Advisory Team to determine if the public benefit rating should be adjusted. A new

application will be required if adjustment of the public benefit rating is recommended by the Open Space Advisory Team.

5. Seven acres shall be assessed at fair market value for existing and proposed improvements.

6. Points have been granted for "Group Access". Public access shall be granted to the University of Washington Marine Labs at Friday Harbor, University of Washington Botany and Zoology Departments, Lopez Island Historical Society, Walla Walla College Marine Station at Anacortes, San Juan Audubon Society, Western Washington University Shannon Pt., Labs, Lopez Island School District, Shaw Island School District, San Juan Island School District, Orcas Island School District (including Waldron). In addition, the owner will provide, upon written request, access to other groups which can demonstrate an educational, cultural or spiritual purpose or objective in visiting Sperry so long as the request is consistent with the open space agreement and the visit would not threaten or endanger open space resources.

Prior to approval of the Open Space Agreement by the Board of County Commissioners, the applicant shall provide the name, address, and phone number of a person or persons to contact for authorization to access the property. Access shall not be denied provided that the it is consistent with the restrictions noted herein and with the open space agreement. The Permit Center will send certified letters to the groups and/or organizations that have been granted access by the applicant, informing them of the restrictions and that access is available.

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S.J.C PERMIT CENTER

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SAN JUAN COUNTY, WASHINGTON

JAN 29 1997

PARCEL A:

Government Lot 5, Section 5, and Government Lot 1, Section 8, all in Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington.

PARCEL B:

The Northeast quarter of the Southeast quarter of Section 5, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington.

PARCEL C:

JAN 14 1997

Government Lot 3,

EXCEPT the East 1320.00 feet thereof, and Government Lot 4 of Section 5, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington.

PARCEL D:

Government Lot 1, and the East 1320.00 feet of Government Lot 3, Section 5, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington.

PARCEL E:

Government Lot 1, and the North 330.00 feet of the Southwest quarter of the Northwest quarter, in Section 4, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington.

PARCEL F:

Government Lots 2, 3 and 4 in Section 4, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington;

EXCEPT the West 1320.00 feet of said Government Lot 4.

PARCEL G:

The Southwest quarter of the Northwest quarter, and the North 330.00 feet of the Northwest quarter of the Southwest quarter, in Section 4, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington;

EXCEPT the North 330.00 feet of said Southwest quarter of the Northwest quarter.

Continued . . . . .

JAN 29 1997

**PARCEL H:**

The Northwest quarter of the Southwest quarter, and the North 330.00 feet of the West 1320.00 feet of Government Lot 4, in Section 4, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington;

EXCEPT the North 330.00 feet of said Northwest quarter of the Southwest quarter.

**PARCEL I:**

The West 1320.00 feet of Government Lot 4, Section 4, Township 34 North, Range 1 West, W.M. Lopez Island, San Juan County, Washington;

EXCEPT the North 330.00 feet thereof;

JAN 14 1997

AND ALSO that portion of Government Lot 1, Section 9, Township 34 North, Range 1 West, W.M., described as follows:

Beginning at the corner common to Sections 4, 5, 8 and 9, said Township and Range; THENCE South 250.8 feet to the meander corner; THENCE following the meander line, South 62° East 59.4 feet; THENCE South 37-1/2° East 627.00 feet; THENCE South 66° West 475.2 feet; THENCE leaving the meander line, South 32.46 feet to a point on sand spit; THENCE East 783.6 feet to the East meander line; THENCE North 12° East 1034.3 feet to the Section line; THENCE West 996.6 feet to the PLACE OF BEGINNING;

TOGETHER WITH those uplands, if any, lying between the Easterly and Westerly extensions of the North and South boundaries of said Parcel D and between the Government meander line and the line of ordinary high tide in those instances where said line of ordinary high tide is further seaward than the Government meander line;

AND ALSO that portion of Government Lot 1, Section 9, Township 34 North, Range 1 West, W.M., lying North and West of the following described line:

Commencing at the Southwest corner of said Government Lot 1; THENCE along the South line of said Government Lot 1 South 89°43'37" East, 330.0 feet to the POINT OF BEGINNING; THENCE North 0°17'10" East, 200.00 feet; THENCE South 89°43'37" East, 445.0 feet, more or less, to the line of ordinary high tide;

EXCEPT any portion of Government Lot 1 lying North of the south line of the following described tract:

Beginning at the corner common to Sections 4, 5, 8 and 9, said Township and Range; THENCE South, 250.8 feet to the meander corner; THENCE following the meander line, South 62° East 59.4 feet; THENCE South 37-1/2° East 627.00 feet; THENCE South 66° West, 475.2 feet; THENCE leaving the meander line South 32.46 feet to a point on sand spit; THENCE East 783.6 feet to the East meander line; THENCE North 12° East 1034.3 feet to the Section line; THENCE West, 996.6 feet to the PLACE OF BEGINNING;

Situate in San Juan County, Washington.  
Continued . . . . .

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**PARCEL J:**

All tidelands of the second class, situate in front of, adjacent to or abutting upon the following described uplands in Township 34 North, Range 1 West, W.M., Lot 4, Section 4; AND

Lot 5 and the East 393 feet of Lot 4, Section 5; AND

The North 1011.70 feet of Lot 1, Section 9.

**PARCEL K:**

An easement 20 feet in width for ingress and egress over an existing roadway located in the Northwest quarter (Government Lot 1 and Government Lot 2) of Section 9, Township 34 North, Range 1 West, W.M., in San Juan County, Washington, connecting with the County Road.

S.J.C. PERMIT CENTER

JAN 14 1997

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SAN JUAN COUNTY  
OFFICIAL RECORD VOL

SAN JUAN COUNTY PERMIT CENTER  
APPROVED SITE PLAN

Subject to terms and conditions  
of permit no. 9705002

Approved by Bocc Date \_\_\_\_\_

