

July 3, 2012

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse, Room 1200
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Seattle, Washington 98104
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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E10CT008**
Proposed ordinance no. **2010-0513**
Parcel no. **0322069045**

IRVIN SHERIFF

Current Use Taxation (Public Benefit Rating System (PBRs) Open Space)

Location: 19435 224th Avenue SE, Maple Valley

Applicant: **Irvin Sheriff**
19435 244th Avenue SE
Maple Valley, WA 98038

King County: Department of Natural Resources and Parks
represented by **Ted Sullivan**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 205-5170
Email: ted.sullivan@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation: Approve 1.00 acres for 50% of market value
(contingent)
Department's Final Recommendation: Approve 1.00 acres for 50% of market value
(contingent)
Examiner's Recommendation: Approve 1.00 acres for 50% of market value
(contingent)

PRELIMINARY REPORT:

On March 22, 2012, DNRP submitted its report to the Examiner for file no. E10CT008.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a public hearing on the application on April 4, 2012, in the Fred Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle, Washington.

The Examiner continued the hearing administratively to afford the Applicant an opportunity to satisfy the requirements articulated in WAC 458-30-215(4):

In the event a parcel is conveyed while approval of a timely filed application is pending, the purchaser or transferee shall, upon written request to the granting authority, be given the same consideration as the original applicant; in all aspects of the application process the purchaser or transferee shall assume the original applicant's rights and responsibilities in the application process.

On June 20, 2012, the Examiner Applicant Irvin Sheriff provided the necessary written request to have transferred from the original Applicant Sandra Sheriff all applicant rights and responsibilities.

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 Hearing Examiner's Office.

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

FINDINGS:

1. General Information:

- Owner: Irvin Sheriff
19435 244th Avenue SE
Maple Valley, WA 98038
- Location: 19435 224th Avenue SE, Maple Valley
- PBRs categories proposed: **Open Space Resources**
Farm and agricultural conservation land
Rural open space
- Categories recommended: **Open Space Resources**
Farm and agricultural conservation land (contingent)

STR: NE 03-22-06
 Zoning: RA-5
 Parcel no.: 0322069045
 Recommended PBRs: 1.00 acres

(The land area recommended for PBRs enrollment 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.)

2. The owner timely filed an application with King County for PBRs current use valuation to begin in 2013. As required by law, notification of the application occurred.
3. Except as modified herein, the facts set forth in the DNRP report and testimony at the April 4, 2012, public hearing are correct and incorporated herein by reference. Copies of this report and the department report will be submitted to the Metropolitan King County Council for final approval.
4. Award under the farm and agricultural conservation land category is contingent upon submittal of a King Conservation District-approved farm management plan for the property by **October 1, 2012**. Failure to qualify under this category precludes the property from enrollment in the PBRs program due to lack of eligibility under any other resource categories.
5. Subject to the above-noted contingency, the property contains priority open space resources and is eligible for a total award of 5 points under the King County Public Benefit Rating System. The resulting current use valuation is therefore 50% of market value for 1.00 acres.
6. The subject property is currently enrolled in the farm and agriculture program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreement(s) for the parcel.

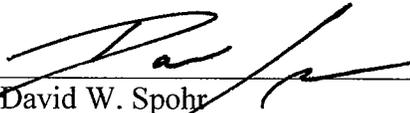
CONCLUSION:

1. Subject to the above-noted contingency, approval of current use valuation of 50% of market value for 1.00 acres of the property pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC is consistent 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:

APPROVE current use valuation of 50% of market value for 1.00 acres of the property, subject to the contingency noted above and the conditions recommended in the DNRP report.

DATED July 3, 2012.



David W. Spohr
Interim Deputy King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation of the Hearing Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250 (check payable to King County Office of Finance) on or before **July 17, 2012**. If a notice of appeal is filed, the original and two 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 **July 24, 2012**.

Filing requires actual delivery to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104, 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. 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.

If a written notice of appeal and filing fee are not filed within 14 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 that 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, defer action, refer the matter to a Council committee, or 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 21 days from the date of the action an aggrieved party or person applies for a writ of certiorari from Superior Court for the purpose of review of the action taken.

MINUTES OF THE APRIL 4, 2012, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E10CT008.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Bill Bernstein and Ted Sullivan, both on behalf of the department.

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

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| Exhibit no. 1 | <i>Not submitted</i> |
| Exhibit no. 2 | <i>Not submitted</i> |
| Exhibit no. 3 | <i>Not submitted</i> |
| Exhibit no. 4 | DNRP Preliminary Report to the Hearing Examiner |
| Exhibit no. 5 | Affidavit of Publication |
| Exhibit no. 6 | Notice of hearing from the Hearing Examiner's Office |
| Exhibit no. 7 | Notice of hearing from the PBRs/Timber program |
| Exhibit no. 8 | Legal notice and introductory ordinance to County Council |
| Exhibit no. 9 | Application signed/notarized |
| Exhibit no. 10 | Legal description of area to be enrolled |
| Exhibit no. 11 | Letter to applicant re: received application and approval schedule |
| Exhibit no. 12 | Arcview and orthophoto/aerial map |
| Exhibit no. 13 | <i>Reserved for future submission of a farm management plan</i> |
| Exhibit no. 14 | Letter dated October 1, 2010, from DNRP to Applicant |
| Exhibit no. 15 | Letter dated March 25, 2011, from DNRP to Applicant |

DWS/vsm