

March 12, 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. **E11CT030**
Proposed Ordinance No. **2012-0051**
Parcel No. **2924079059**

GREG BARTON AND MICHELE BARTON
Current Use Taxation (Timber Land)

Location: 300xx SE 64th Street, Sammamish

Applicants: **Greg Barton and Michele Barton**
2033 208th Place NE
Sammamish, WA 98074
Telephone: (425) 351-1555
Email: greg@infinityfundinggroup.com

King County: Department of Natural Resources and Parks (DNRP)
represented by **Bill Bernstein**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 296-8351
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve 15.06 acres
Department's Final Recommendation:	Approve 15.06 acres
Examiner's Recommendation:	Approve 15.06 acres

PRELIMINARY REPORT:

The DNRP Report on file no. E11CT030 was received by the Examiner on February 16, 2012.

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 February 29, 2012, in the West 1201 Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle, Washington.

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(s): Greg Barton and Michele Barton
 2033 208th Place NE
 Sammamish, WA 98074

Location: 300xx SE 64th Street, Sammamish

STR: NE 29-24-07
 Zoning: RA-5
 Parcel no.: 2924079059
 Recommended Timber Land: 15.06 acres

(The land area recommended for PBRS enrollment is the entire parcel less the excluded area, which is what has been 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. Timely application was made to King County for timber land current use assessment of the property to begin in 2013. Notice of the application was given as required by law.
- 3. Except as modified herein, the facts set forth in the DNRP Preliminary Report and testimony in the February 29, 2012, public hearing are found to be correct and are incorporated herein by reference. The report’s internal conflict regarding the approval status of the forest stewardship plan was resolved by testimony and reference to exhibit no. 13, page 9 demonstrating approval. Copies of the department report will be provided with the copies of this report submitted to the Metropolitan King County Council.

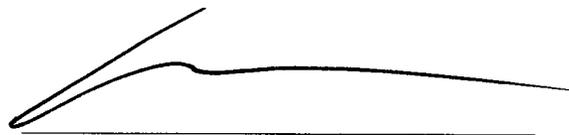
CONCLUSION:

The property proposed for current use assessment meets the requirements of King County Code Chapter 20.36.110, and the subject application for current use taxation as timber land should be approved.

RECOMMENDATION:

APPROVE current use assessment under the timber land classification for 15.06 acres.

RECOMMENDED March 12, 2012.



 Peter T. Donahue
 King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision 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 **March 26, 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 **April 2, 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 the King County Superior Court for the purpose of review of the action taken.

MINUTES OF THE FEBRUARY 29, 2012, PUBLIC HEARING ON NATURAL RESOURCES AND PARKS FILE NO. E11CT030.

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:

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	Forest stewardship plan
Exhibit no. 14	Email string between Department and Applicant resulting in a reduction of the enrolled portion of the property