

April 10, 2012

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources and Parks File No. **E11CT042**
Proposed Ordinance No. **2012-0055**
Parcel Nos. **2221079022, 2221079024, 2221079023**

JOHN AND JOAN ENGLISH, ELBERT AND CARA ENGLISH,
BRIAN AND DIANE JONES
Current Use Taxation (Public Benefit Rating System (PBRs) Open Space)

Location: 33404 SE 339th Place, 33909 SE 339th Place, 33707 SE 339 Place, Enumclaw

Applicants: **John and Joan English**
33404 SE 339th Place
Enumclaw, WA 98022
Telephone: (360) 886-2068

Elbert and Cara English
33909 SE 339th Place
Enumclaw, WA 98022
Telephone: (253) 740-1463
Email: chrisandspike2010@q.com

Brian and Diane Jones
33707 SE 339th Place
Enumclaw, WA 98022
Telephone: (253) 709-7046
Email: skyemountain@msn.com

King County: Department of Natural Resources and Parks (DNRP)
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 55.14 acres for 20% of market value
Department's Final Recommendation:	Approve 55.14 acres for 20% of market value
Examiner's Recommendation:	Approve 55.14 acres for 20% of market value

PRELIMINARY REPORT:

The DNRP Report on file no. E11CT042 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. The hearing was continued administratively for receipt of the affidavit of notice publication. That was received March 8, 2012, at which time the hearing record closed.

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:**

Owners: John and Joan English
33404 SE 339th Place
Enumclaw, WA 98022

Elbert and Cara English
33909 SE 339th Place
Enumclaw, WA 98022

Brian and Diane Jones
33707 SE 339th Place
Enumclaw, WA 98022

Locations: 33404 SE 339th Place, 33909 SE 339th Place, 33707 SE 339th Place,
Enumclaw

PBRS categories proposed: **Open Space Resources**
Buffer to public or current use classified land
Forest stewardship land
Rural open space
Significant wildlife or salmonid habitat
Watershed protection area

Bonus Categories
Contiguous parcels under separate ownership

Categories recommended: **Open Space Resources**
 Buffer to public or current use classified land
 Forest stewardship land (contingent)
 Rural open space
 Significant wildlife or salmonid habitat
 Watershed protection area

Bonus Categories
 Contiguous parcels under separate ownership

STR:	NE 22-21-07		
Zoning:	F		
Parcel nos.:	<u>2221079022</u>	<u>2221079024</u>	<u>2221079023</u>
Recommended PBRs:	18.03 acres	18.65 acres	18.46 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. The subject property is currently enrolled in the Timber Land program. Timely application was made to King County for PBRs program current use valuation 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 at the February 29, 2012, public hearing are found to be correct and are incorporated herein by reference. Copies of the department report will be provided with the copies of this report submitted to the Metropolitan King County Council.
4. Changes to Department staff report:

Page 2, Section A., Note, line 1: should read, "The portion recommended for enrollment in PBRs (**55.14** acres)..."

Page 5, Section E., Forest stewardship land recommendation, line 1: "The property contains approximately **55.14** acres..."

Page 6, Section E., Rural open space recommendation, line 1: should read, "The property contains more than **55** acres..."

Page 6, Section E., Watershed protection area recommendation, line 7 should read, "...the owners are enrolling **55.14** acres...."
5. The property contains priority open space resources and is eligible for a total award of 27 points under the King County Public Benefit Rating System. The resulting current use valuation therefore would be 20% of market value for 55.14 acres.
6. Award under the forest stewardship land category is contingent upon approval of a revised version of the existing forest stewardship plan for the property by **December 31, 2012**. Failure to qualify under this category would reduce the total point award by 5 points with no direct effect on the valuation for the enrolled portion of the property.

7. As noted above, the subject property is currently enrolled in the Timber Land program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreement for the parcel.

CONCLUSION:

1. Approval of current use valuation of 20% of market value for 55.14 acres of the property pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC would be 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 20% of market value for 55.14 acres of the property, subject to the conditions recommended in the DNRP report.

DATED April 10, 2012.



Peter T. Donahue
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 **April 24, 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 **May 1, 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 FEBRUARY 29, 2012, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E11CT057.

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 forest stewardship plan</i> |

PTD/vsm