

March 23, 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. **E11CT044**
Proposed Ordinance No. **2012-0056**
Parcel No. **2124079035**

DARIEN PAYNE AND ROBERT TINGLEFF
Current Use Taxation (Public Benefit Rating System (PBRs) Open Space)

Location: 4924 322nd Avenue SE, Fall City

Applicants: **Darien Payne and Robert Tingleff**
4924 322nd Avenue SE
Fall City, WA 98024
Telephone: (425) 222-0593
Email: darien@cruzio.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 2.63 acres for 20% of market value (contingent)
Department's Final Recommendation:	Approve 2.63 acres for 20% of market value (contingent)
Examiner's Recommendation:	Approve 2.63 acres for 20% of market value (contingent)

PRELIMINARY REPORT:

The DNRP Report on file no. E11CT044 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):	Darien Payne and Robert Tingleff 4924 322nd Avenue SE Fall City, WA 98024
Location:	4924 322nd Avenue SE, Fall City
PBRS categories proposed:	Open Space Resources Aquifer protection area Significant wildlife or salmonid habitat Surface water quality buffer Watershed protection area Bonus Categories Additional surface water quality buffer Resource restoration (contingent)
Categories recommended:	Open Space Resources Aquifer protection area Significant wildlife or salmonid habitat Surface water quality buffer Bonus Categories Additional surface water quality buffer Resource restoration (contingent)
STR:	NE 21-24-07
Zoning:	RA-2.5
Parcel no.:	2124079035
Recommended PBRS:	2.63 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 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. The property contains priority open space resources and is eligible for a total award of 23 points under the King County Public Benefit Rating System. The resulting current use valuation therefore would be 20% of market value for 2.63 acres.
5. Award under all categories must be conditioned upon the control and removal of invasive plant species on the property within a three-year period. Such control and removal is mandatory for the property to qualify as credited open space. Failure to meet this condition will cause disenrollment of the property from the PBRs program.
6. Credit under the resource restoration category is contingent upon submittal of a resource restoration plan by **August 1, 2012** and subsequent approval by **October 1, 2012**. If the plan is not timely submitted and approved, the point total will be reduced by 5 and the valuation adjusted accordingly.

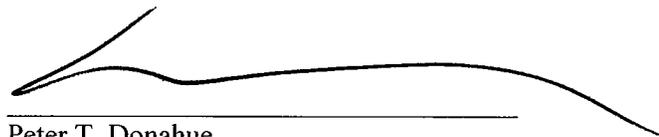
CONCLUSION:

1. Subject to the above-noted contingency, approval of current use valuation of 20% of market value for 2.63 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 2.63 acres of the property, subject to the above-noted contingency and conditions recommended in the DNRP report.

DATED March 23, 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 6, 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 13, 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. E11CT044.

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
<i>Exhibit no. 13</i>	<i>Reserved for future submission of a resource restoration plan</i>

PTD/vsm