

March 19, 2012

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse, Room 1200
516 Third Avenue
Seattle, Washington 98104
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REPORT AND RECOMMENDATION

SUBJECT: Natural Resources and Parks File No. **E11CT051**
Proposed Ordinance No. **2012-0045**
Parcel No. **2821079064**

MICHAEL AND VICKY RASMUSSEN
Current Use Taxation (Timber Land)

Location: Approximately 354xx Cumberland Way SE, Enumclaw

Applicants: **Michael and Vicky Rasmussen**
38322 247th Avenue SE
Enumclaw, WA 98022
Telephone: (360) 888-6059
Email: enumvic@msn.com

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 9.31 acres (contingent)
Department's Final Recommendation:	Approve 9.31 acres (contingent)
Examiner's Recommendation:	Approve 9.31 acres (contingent)

PRELIMINARY REPORT:

The DNRP Report on file no. E11CT051 was received by the Examiner on February 3, 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 15, 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: Michael and Vicky Rasmussen
38322 247th Avenue SE
Enumclaw, WA 98022

Location: Approximately 354xx Cumberland Way SE, Enumclaw

STR: NW 28-21-07
Zoning: RA-5 and RA-10
Parcel no.: 2821079064
Recommended Timber Land: 9.31 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 15, 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. Participation in the timber land program is contingent upon submission of a forest stewardship plan by August 1, 2012, and approval by October 1, 2012. Failure to meet this requirement will preclude the property from enrollment in the timber land program at present.

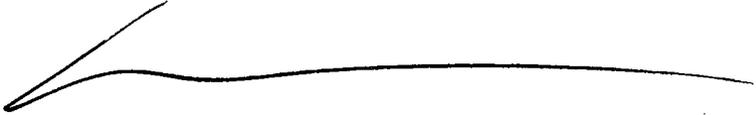
CONCLUSION:

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 9.31 acres, contingent on approval of a forest stewardship plan as noted in finding no. 4. above, subject to compliance with and implementation of the forest stewardship plan and execution of the State of Washington, Department of Revenue, Open Space Taxation Agreement Form.

RECOMMENDED March 19, 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 **April 2, 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 9, 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 15, 2012, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E11CT051:

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Ted Sullivan. There were no other participants in this hearing.

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

- Exhibit No. 1 *Not Submitted*
- Exhibit No. 2 *Not Submitted*
- Exhibit No. 3 *Not Submitted*
- Exhibit No. 4 PBRS staff report
- Exhibit No. 5 Affidavit of Publication (received March 8, 2012)
- Exhibit No. 6 Notice of Hearing from the Hearing Examiner's Office
- Exhibit No. 7 Notice of Hearing from the Timber Land program
- Exhibit No. 8 Legal notice and introductory ordinance to the County Council
- Exhibit No. 9 Application and signed/notarized affirmation
- Exhibit No. 10 *Reserved for future submission* of the legal description
- Exhibit No. 11 Email to applicant re: received application and approval schedule
- Exhibit No. 12 Arcview and orthophoto/aerial map
- Exhibit No. 13 *Reserved for future submission* of a Forest stewardship plan

PTD:gao
E11CT051 RPT
Attachment