

October 12, 2012

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse, Room 1200

516 Third Avenue

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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks File No. **E12CT008**
Proposed Ordinance No. **2012-0360**

YONG NANG AND GYONG HO YANG

Open Space Taxation Application

Public Benefit Rating System

Location: 44008 228th Avenue SE, Enumclaw

Applicants: **Yong Nang and Gyong Ho Yang**
44008 228th Avenue SE
Enumclaw, WA 98022
Telephone: (253) 249-4652
Email: yongnang@naver.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 8.75 acres for 50% of market value (contingent)
Department’s Final Recommendation:	Approve 8.75 acres for 50% of market value (contingent)
Examiner’s Recommendation:	Approve 8.75 acres for 50% of market value (contingent)

PRELIMINARY REPORT:

On September 21, 2012, DNRP submitted its report on file no. E12CT008 to the Examiner.

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 October 3, 2012, in the Ginger 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. Property information:

Owners:	Yong Nang and Gyong Ho Yang 44008 228th Avenue SE Enumclaw, WA 98022
Location:	44008 228th Avenue SE, Enumclaw
STR:	SW 22-20-06
Zoning:	RA-5
Parcel no.:	2220069025
Total acreage:	9.55

2. The Applicants timely filed an application to King County for PBRs program current use valuation of the property to begin in 2014. As required by law, notification of the application occurred.

3. Applicants’ request:

Requested acreage:	8.55 acres	
PBRS credits requested:	<i>Open Space Resources</i>	
	Farm and agricultural conservation land	5
		5

4. Department recommendations:

Recommended acreage: 8.75 acres of the 9.55 total acreage

(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.)

PBRS credits recommended:	<i>Open Space Resources</i>	
	Farm and agricultural conservation land	5
		5

The DNRP-recommended score of 5 points results in a current use valuation of 50% of market value for the enrolled portion of the property.

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 **May 1, 2013**. Because the property is not eligible under any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.

5. Except as modified herein, the facts set forth in the DNRP Preliminary Report and testimony at the October 3, 2012, public hearing are correct and incorporated herein by reference. Copies of this report and the department report will be provided to the Metropolitan King County Council for final approval.

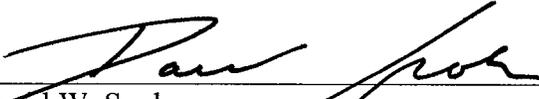
CONCLUSION:

Contingent approval, pursuant to the PBRS rating system adopted by Chapter 20.36 KCC, of 5 points and a current use valuation of 50% of market value for 8.75 acres of the property 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:

CONTINGENT APPROVAL of a current use valuation of 50% of market value for the 8.75-acre enrolled portion of the property, subject to submittal of a King Conservation District-approved farm management plan for the property by **May 1, 2013**.

DATED October 12, 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 **October 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 **November 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 Superior Court for the purpose of review of the action taken.

MINUTES OF THE OCTOBER 3, 2012, PUBLIC HEARING ON DEPARTMENT OF
NATURAL RESOURCES AND PARKS FILE NO. E12CT008.

David W. Spohr was the Hearing Examiner in this matter. Bill Bernstein and Ted Sullivan both participated in the hearing on behalf of the department.

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

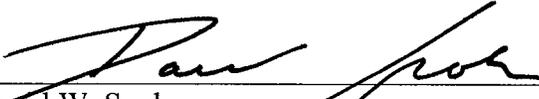
Exhibit no. 1	<i>Not submitted</i>
Exhibit no. 2	<i>Not submitted</i>
Exhibit no. 3	<i>Not submitted</i>
Exhibit no. 4	DNRP report to the Hearing Examiner
Exhibit no. 5	Affidavit of publication
Exhibit no. 6	Notice of hearing from the Hearing Examiner's Office
Exhibit no. 7	Notice of hearing from the 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 farm management plan</i>

DWS/vsm

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