



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 2, 2013

Ordinance 17551

Proposed No. 2013-0060.2

Sponsors Gossett

1 AN ORDINANCE concurring with the recommendation of
2 the hearing examiner to approve, subject to conditions, the
3 application for public benefit rating system assessed
4 valuation for open space submitted by Edwin James Gale
5 and Yanira Gale for property located at 10729 Upper
6 Preston Road SE, Issaquah, WA, designated department of
7 natural resources and parks, water and land resources
8 division file no. E12CT032.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

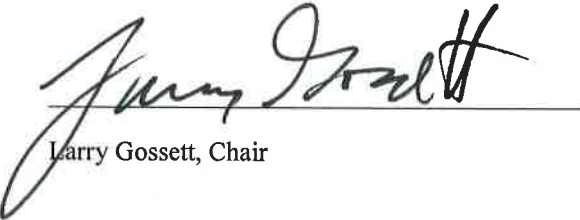
10 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
11 findings and conclusions the findings and conclusions contained in the report and
12 recommendation of the hearing examiner dated March 8, 2013, to approve subject to
13 conditions, the application for public benefit rating system assessed valuation for open
14 space submitted by Edwin James Gale and Yanira Gale for property located at 10729
15 Upper Preston Road SE, Issaquah, WA, designated department of natural resources and

16 parks, water and land resources division file no. E12CT032, and the council does hereby
17 adopt as its action the recommendation or recommendations contained in the report.
18


Ordinance 17551 was introduced on 2/4/2013 and passed by the Metropolitan King County Council on 4/1/2013, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Mr. Dunn, Mr. McDermott and Mr. Dembowski
No: 0
Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Hearing Examiner Report dated March 8, 2013

March 8, 2013

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
King County Courthouse, Room 1200
516 Third Avenue
Telephone (206) 296-4660
Facsimile (206) 296-0198
hearingexaminer@kingcounty.gov

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

SUBJECT: Department of Natural Resources and Parks File No. **E12CT032**
Proposed Ordinance No. **2013-060**

EDWIN JAMES GALE AND YANIRA GALE
Open Space Taxation Application
(Public Benefit Rating System)

Location: 10729 Upper Preston Road SE, Issaquah

Applicants: **Edwin James and Yanira Gale**
26833 NE Stephens Court
Duvall, WA 98019
Telephone: (425) 533-0004

King County: Department of Natural Resources and Parks
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 10.29 acres for 20% of market value (as low as 10% conditionally)
Department's Final Recommendation:	Approve 10.29 acres for 20% of market value (as low as 10% conditionally)
Examiner's Recommendation:	Approve 10.29 acres for 20% of market value (as low as 10% conditionally)

PRELIMINARY REPORT:

On February 14, 2013, DNRP submitted its report on file no. E12CT032 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 February 27, 2013, in the Ginger Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner continued the hearing administratively for receipt of the affidavit of notice publication, later received on February 28, 2013, 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:	Edwin James and Yanira Gale 26833 NE Stephens Court Duvall, WA 98019
Location:	10729 Upper Preston Road SE, Issaquah
STR:	SW 03-23-07
Zoning:	RA 2.5
Parcel nos.:	0323079009, 0323079023
Total Acreage:	10.29 acres

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. A summary of relevant PBRs categories follows below. (Plain text represents a category an applicant requested an award for and that DNRP agrees is warranted. Any ~~strike through~~ represents a category an applicant requested an award for but that DNRP disagrees is warranted. Any *italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And any *asterisks* represent a category where DNRP finds an award is warranted, but only if certain contingencies or conditions are met.)

PBRS categories:	<u>Open Space Resources</u>	
	Buffer to public or current use classified land	3
	Forest stewardship land	
	Rural open space	
	Rural stewardship land	
	Significant plant site or ecological site	
	<i>Significant wildlife or salmonid habitat</i>	5
	<i>Surface water quality buffer</i>	5
	<i>Watershed protection area</i>	5
	<u>Bonus Categories</u>	
	Additional surface water quality buffer	5
	Environmental education access	
		<hr/> 28

The DNRP-recommended score of 28 points results in a current use valuation of 20% of market value of the enrolled portion of the property. Additional credit may be awarded administratively under the forest stewardship land and the environmental education access categories.

Award for the forest stewardship land category is subject to submittal of forest stewardship plan by **August 1, 2013** and subsequent approval by **October 1, 2013**. Award of credit under this category would increase the point total by 5 points.

Award for the environmental education category is subject to submittal of additional documentation supporting future environmental education use by **September 1, 2013**. Award of this category would increase the point total by 5 points.

Only if both conditional categories are awarded will the market valuation be impacted. Award in both categories will result in an additional 10% reduction.

- As to the land area recommended for PBRS enrollment, the Applicant requested 10.29 acres and DNRP recommends 10.29 acres. In this case, 10.29 acres represents the combined, total acreage of both parcels, with no acreage excluded. In the event the County Assessor's official parcel size is revised, the PBRS acreage shall be administratively adjusted to reflect that change.
- Except as modified herein, the facts set forth in the DNRP preliminary report and testimony at the February 27, 2013, 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:

1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 28 points and a current use valuation of 20% of market value for 10.29 acres of the property, along with conditional approval of 10 additional points (which would bring the total to 38 points and 10% of market value for 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:

1. APPROVE current use valuation of 20% of market value for the 10.29-acre property.
2. CONDITIONALLY APPROVE additional credit under the forest stewardship land category (subject to submittal of a forest stewardship plan by **August 1, 2013** and subsequent approval by **October 1, 2013**) and under the environmental education category (subject to submittal of additional documentation supporting future environmental education use by **September 1, 2013**). Award of both of these categories would increase the point total by 10 points, with a resulting 10% market valuation for the 10.29-acre enrolled portion of the property.

DATED March 8, 2013.


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 *March 22, 2013*. 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 *March 29, 2013*.

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 27, 2013, PUBLIC HEARING ON NATURAL RESOURCES AND PARKS FILE NO. E12CT032.

David W. Spohr was the Hearing Examiner in this matter. Bill Bernstein and Megan O'Brian 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 received February 28, 2013
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

DWS/vsm