



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 2, 2013

Ordinance 17552

Proposed No. 2013-0061.2

Sponsors Gossett

1 AN ORDINANCE concurring with the recommendation of
2 the hearing examiner to approve, subject to conditions, the
3 application for current use assessment for timberland
4 submitted by Nite Owl Family Limited Partnership and
5 Ursula Kihn for property located at 13205 277th Avenue
6 NE, Duvall, designated department of natural resources and
7 parks, water and land resources division file no.
8 E12CT035.

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 11, 2013, to approve subject to
13 conditions, the application for public benefit rating system assessed valuation for open
14 space submitted by Nite Owl Family Limited Partnership and Ursula Kihn for property
15 located at 13205 277th Avenue NE, Duvall, designated department of natural resources
16 and parks, water and land resources division file no. E12CT035, and the council does

17 hereby adopt as its action the recommendation or recommendations contained in the
18 report.
19

Ordinance 17552 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 11, 2013

March 11, 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. **E12CT035**
Proposed ordinance no. **2013-0061**

NITE OWL FAMILY LIMITED PARTNERSHIP AND URSULA KIHN
Timberland Application (Current Use Assessment)

Location: 13205 277th Avenue NE, Duvall

Applicants: Nite Owl Family LLP
represented by **Harry and Renate Oestreich**
13205 277th Avenue NE
Duvall, WA 98019
Telephone: (425) 788-2508
Email: h.oestreich@frontier.com

Ursula Kihn
13205 277th Avenue NE
Duvall, WA 98019

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 8.65 acres (contingent)
Department’s Final Recommendation:	Approve 8.65 acres (contingent)
Examiner’s Recommendation:	Approve 8.65 acres (contingent)

PRELIMINARY REPORT:

On February 14, 2013, DNRP submitted its report on file no. E12CT035 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, Washington. The Examiner continued the hearing administratively for receipt of the affidavit of publication, later received on February 28, 2013, at which time the hearing record closed.

FINDINGS, CONCLUSIONS, AND RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General information:

Owners: Nite Owl Family LLP and Ursula Kihn
13205 277th Avenue NE
Duvall, WA 98019

Location: 13205 277th Avenue NE, Duvall
STR: SW 19-26-07

Zoning: RA-5
Parcel nos.: 2129700611, 2129700613
Total Acreage: 10.15 acres

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

3. Except as modified herein, the facts set forth in the DNRP preliminary report and testimony at the February 27, 2013, public hearing are found to be correct and are incorporated herein by reference. Copies of this report and the department report will be provided to the King County Council for final approval.

4. As to the land area recommended for timber land program enrollment, the Applicant(s) requested 9.16 acres and DNRP recommends 8.65 acres. (Enrollment acreage 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 timber land acreage shall be administratively adjusted to reflect that change.)
5. Participation in the timber land program is contingent upon submission of a forest stewardship plan by **June 1, 2013**, and approval by **August 1, 2013**. Failure to meet this requirement will preclude the property from enrollment in the timber line program at present.


CONCLUSION

1. 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 taxation, timber land classification for 8.65 acres, CONTINGENT on approval of a forest stewardship plan as noted in finding no. 5 above, and subject to compliance with implementation of the forest stewardship plan and execution of the State of Washington, Department of Revenue, Open Space Taxation agreement form.

DATED March 11, 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 25, 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 **April 1, 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, ON NATURAL RESOURCES AND PARKS FILE NO. E12CT035.

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
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>

DWS/vsm