

March 8, 2013

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
King County Courthouse, Room 1200
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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks File No. **E12CT029**
Proposed Ordinance No. **2013-0058**

ALBERT COPPULA AND MICHELLE COPPULA
Open Space Taxation Application (Public Benefit Rating System)

Location: 47000 SE 162nd, North Bend

Applicants: **Albert Coppula and Michelle Coppula**
2846 21st Avenue W
Seattle, WA 98199
Telephone: (425) 445-3797
Email: ajcoppula@gmail.com

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 8.77 acres for 40% of market value
Department's Final Recommendation:	Approve 8.77 acres for 40% of market value
Examiner's Recommendation:	Approve 8.77 acres for 40% of market value

PRELIMINARY REPORT:

On February 14, 2013, DNRP submitted its report on file no. E12CT029 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:	Albert Coppula and Michelle Coppula 2846 21st Avenue W Seattle, WA 98199
Location:	47000 SE 162nd, North Bend
STR:	NW 30-23-09
Zoning:	RA-5
Parcel no.:	3023099028
Total Acreage:	9.77 acres

- 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.
- 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 ~~strikethrough~~ 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>	
	Aquifer protection area	5
	Buffer to public or current use classified land	
	Forest stewardship land	
	Rural open space	
	Rural stewardship land	
	Shoreline: conservancy environment	
	Shoreline: natural environment	
	Significant plant or ecological site	
	Significant wildlife or salmonid habitat	5
	Surface water quality buffer	
	Watershed protection area	5
	 <u>Bonus Categories</u>	
	Resource restoration	
	Additional surface water quality buffer	
	Contiguous parcels under separate ownership	
		<hr/> 15

The DNRP-recommended score of 15 points results in a current use valuation of 40% of market value of the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 8.50 acres and DNRP recommends 8.77 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 PBRS acreage shall be administratively adjusted to reflect that change.)
5. Except as modified herein, the facts set forth in the DNRP revised 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 15 points and a current use valuation of 40% of market value for 8.77 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:

1. APPROVE current use valuation of 40% of market value for the 8.77-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. E12CT029.

David W. Spohr was the Hearing Examiner in this matter. Bill Bernstein, Ted Sullivan and Megan O'Brian participated in the hearing on behalf of the department.

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

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| 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. 4a | Revised 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