



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 10, 2015

Ordinance 18160

Proposed No. 2015-0289.2

Sponsors Phillips

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 Robert and Shirley
5 Kaake for property located at 42913 SE 114th Street, North
6 Bend, WA, designated department of natural resources and
7 parks, water and land resources division file no.
8 E15CT005.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

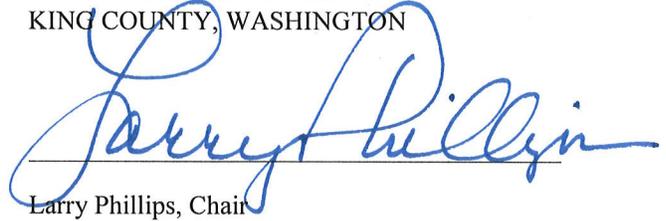
10 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
11 findings and conclusions the findings and conclusions contained in the report and
12 recommendation of the hearing examiner dated August 26, 2015, to approve subject to
13 conditions, the application for public benefit rating system assessed valuation for open
14 space submitted by Robert and Shirley Kaake for property located at 42913 SE 114th
15 Street, North Bend, WA, designated department of natural resources and parks, water and

16 land resources division file no. E15CT005, and the council does hereby adopt as its
17 action the recommendation or recommendations contained in the report.
18

Ordinance 18160 was introduced on 7/27/2015 and passed by the Metropolitan King
County Council on 11/9/2015, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Mr. Dunn,
Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 2 - Ms. Hague and Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Hearing Examiner Report dated August 26, 2015

August 26, 2015

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

400 Yesler Way, Suite 240
Seattle, Washington 98104
Telephone (206) 477-0860
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. **E15CT005**
Proposed ordinance no. **2015-0289**
Parcel no. **1023089082**

ROBERT AND SHIRLEY KAAKE

Open Space Taxation Application (Public Benefit Rating System)

Location: 42913 SE 114th Street, North Bend

Applicants: **Robert and Shirley Kaake**
PO Box 2558
North Bend, WA 98045
Telephone: (425) 831-1127
Email: bobkaake@comcast.net

King County: Department of Natural Resources and Parks
represented by **Bill Bernstein**
201 S Jackson Street Suite 600
Seattle, WA 98104
Telephone: (206) 477-4643
Email: bill.bernstein@kingcounty.gov

SUMMARY OF RECOMMENDATIONS:

| | |
|------------------------------|--|
| Department's Recommendation: | Approve 4.13 acres for 20% of market value |
| Examiner's Recommendation: | Approve 4.13 acres for 20% of market value |

PRELIMINARY REPORT:

On August 11, 2015, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E15CT005 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 August 19, 2015, in the Horiuchi Conference Room 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner received the affidavit of notice publication on August 19, 2015.

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: | Robert and Shirley Kaake PO Box 2558 North Bend, WA 98045 |
| Location: | 42913 SE 114th Street, North Bend |
| STR: | NE 10-23-08 |
| Zoning: | RA-10 |
| Parcel no.: | 1023089082 |
| Total acreage: | 4.99 acres |

- The Applicants timely filed an application to King County for PBRS program current use valuation of the property to begin in 2016. 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 | 3 |
| | Forest stewardship land | 5 |
| | Significant wildlife or salmonid habitat | 5 |
| | Watershed protection area | 5 |
| | | <hr/> 23 |

The DNRP-recommended score of 23 points results in a current use valuation of 20% of market value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 4.13 acres and DNRP recommends 4.13 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 preliminary report and testimony at the August 19, 2015, 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 23 points and a current use valuation of 20% of market value for 4.13 acres of the property, is 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 4.13-acre enrolled portion of the property.

DATED August 26, 2015.



David Spohr
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 *September 9, 2015*. 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 *September 16, 2015*.

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 AUGUST 19, 2015, HEARING ON THE APPLICATION OF ROBERT AND SHIRLEY KAAKE, DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E15CT005.

David Spohr was the Hearing Examiner in this matter. Bill Bernstein 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 the King County Council |
| Exhibit no. 9 | Application signed/notarized |
| Exhibit no. 10 | Legal description of area to be enrolled |
| Exhibit no. 11 | Email to applicant regarding received application and approval schedule |
| Exhibit no. 12 | Arcview and orthophoto/aerial map |
| Exhibit no. 13 | Forest stewardship plan |

DS/vsm

August 26, 2015

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

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CERTIFICATE OF SERVICE

SUBJECT: Department of Natural Resources and Parks file no. **E15CT005**
Proposed ordinance no. **2015-0289**
Parcel no. **1023089082**

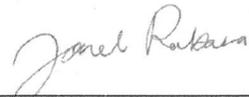
ROBERT AND SHIRLEY KAAKE

Open Space Taxation Application (Public Benefit Rating System)

I, Jonel Rabara, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties of record/interested persons and primary parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties of record/interested persons at the addresses indicated on the list attached to the original Certificate of Service.

DATED August 26, 2015.



Jonel Rabara
Legislative Secretary

*All Parties of Record***Akada, Irene**

Department of Assessments
ADM-AS-0708
Seattle

WA 98104

Bernstein, Bill

Department of Natural Resources and Parks
KSC-NR-0600
Seattle

WA 98104

Kaake, Robert & Shirley

PO Box 2558
North Bend

WA 98045
mailed paper copy

Kim, Megan

Department of Natural Resources and Parks
201 S Jackson Street Suite 600
Seattle

WA 98104

Morse, Wendy

Department of Assessments
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Noris, Anne

Metropolitan King County Council
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Reed, Mike

Metropolitan King County Council
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Sundberg, Charlie

Department of Natural Resources and Parks
KSC-NR-0700
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