



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 10, 2011

Ordinance 17211

Proposed No. 2011-0334.2

Sponsors Gossett

1 AN ORDINANCE concurring with the recommendation of the
2 hearing examiner to approve, subject to conditions, the
3 application for public benefit rating system assessed valuation
4 for open space submitted by Jerry and Janis Novak for property
5 located at approximately 242xx SE 440th Street, Enumclaw,
6 WA, designated department of natural resources and parks, water
7 and land resources division file no. E11CT009.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

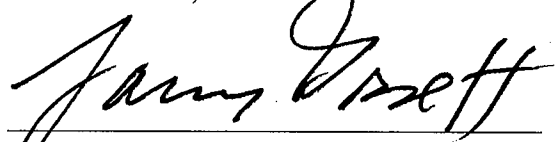
9 SECTION 1. This ordinance does hereby adopt and incorporate herein as its findings and
10 conclusions the findings and conclusions contained in the report and recommendation of the
11 hearing examiner dated September 20, 2011, to approve subject to conditions, the application for
12 public benefit rating system assessed valuation for open space submitted by Jerry and Janis
13 Novak for property located at approximately 242xx SE 440th Street, Enumclaw, designated
14 department of natural resources and parks, water and land resources division file no. E11CT009,

15 and the council does hereby adopt as its action the recommendation or recommendations
16 contained in the report.
17

Ordinance 17211 was introduced on 7/25/2011 and passed by the Metropolitan King
County Council on 10/10/2011, by the following vote:

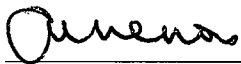
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Hearing Examiner Report dated September 20, 2011

September 20, 2011

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
King County Courthouse, Room 1200
516 Third Avenue
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-0198
Email hearingexaminer@kingcounty.gov

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources and Parks File No. **E11CT009**
Proposed Ordinance No. **2011-0334**
Adjacent Parcel No(s). **222006-9016**

JERRY AND JANIS NOVAK
Open Space Taxation (Public Benefit Rating System (PBRs))

Location: Approximately 242xx SE 440th Street, Enumclaw

Applicants: **Jerry & Janis Novak**
P.O. Box 1972
Novato, CA 94948
Telephone: (415) 899-8959
Email: jnovak@novato.org

King County: Department of Natural Resources and Parks (DNRP)
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 7.23 acres (22.40 acres conditionally) for 50% of market value
Department's Final Recommendation:	Approve 7.23 acres (22.40 acres conditionally) for 50% of market value
Examiner's Recommendation:	Approve 7.23 acres (22.40 acres conditionally) for 50% of market value

PRELIMINARY REPORT:

The DNRP Report on file no. E11CT009 was received by the Examiner on August 4, 2011.

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 17, 2011, in the W-1201 Conference Room, 12th Floor, King County 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. **General Information:**

Owner(s):	Jerry & Janis Novak P.O. Box 1972 Novato, CA 94948
Location:	Approximately 242xx SE 440th Street, Enumclaw
PBRS categories requested or staff-proposed:	Open Space Resources Farm and agricultural conservation land Rural open space Urban open space
Categories recommended:	Open Space Resources Urban open space Farm and agricultural conservation land (<i>conditional</i>)
STR:	SE-22-20-06
Zoning:	UR
Parcel no(s):	222006-9016
Recommended PBRS:	7.23 acres (22.40 acres conditionally)

(The land area recommended for PBRS enrollment is the entire parcel less the excluded area, which is what has been 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.)

- Timely application was made to King County for PBRS program current use valuation of the property to begin in 2013. Notice of the application was given as required by law.
- Except as modified herein, the facts set forth in the DNRP Preliminary Report and testimony in the August 17, 2011, public hearing are found to be correct and are incorporated herein by reference. Copies of the department report will be provided with the copies of this report submitted to the Metropolitan King County Council.
- The property contains priority open space resources and is eligible for a total award of 5 points under the King County Public Benefit Rating System. The resulting current use valuation therefore would be 50% of market value for 7.23 acres.
- Additional credit may be awarded administratively under the farm and agricultural conservation land category *subject to submittal of an approved farm plan by February 1, 2012*. Award of

credit under this category would increase the enrollable acreage by 15.17 acres to 22.40 and increase the point total to 10, with no direct effect on the current use valuation for the enrolled portion of the property.

CONCLUSION:

Approval of current use valuation of 50% of market value for 7.23 acres (22.40 acres conditionally) of the property pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC 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:

APPROVE current use valuation of 50% of market value for 7.23 acres (22.40 acres conditionally) of the property, subject to the conditions recommended in the DNRP report and the following condition:

1. Credit may be awarded administratively under the farm and agricultural conservation land category as noted in Finding no. 5 above. Award under this category is *subject to submittal of an approved farm plan by February 1, 2012*. Award of credit under this category would increase the enrollable acreage by 15.17 acres to 22.40 and increase the point total to 10, with no direct effect on the current use valuation for the enrolled portion of the property.

Current use valuation shall be subject to all terms and conditions of RCW Chapter 84.34 and KCC Chapter 20.36, as may be amended from time to time, and all regulations and rules duly adopted to implement state law and county ordinances pertaining to current use valuation.

DATED September 20, 2011.



Peter T. Donahue
King County Hearing Examiner

NOTICE OF APPEAL

In order to appeal the decision 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 4, 2011**. 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 **October 11, 2011**.

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 the King County Superior Court for the purpose of review of the action taken.

MINUTES OF THE AUGUST 17, 2011, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E11CT009.

Peter T. Donahue was the Hearing Examiner in this matter. Participating on behalf of the department were Bill Bernstein and Ted Sullivan.

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 Preliminary Report to the Hearing Examiner
Exhibit no. 5	<i>Not submitted</i>
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
Exhibit no. 9a	Addendum to application: notarized signature
Exhibit no. 10	Legal description of area to be enrolled
Exhibit no. 11	Email 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 a farm management plan</i>

PTD/vsm