



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 10, 2011

Ordinance 17212

Proposed No. 2011-0335.2

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 Patrick and Jennifer Husting for
5 property located at 30130 NE 64th Way, Carnation, WA,
6 designated department of natural resources and parks, water and
7 land resources division file no. E11CT010.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

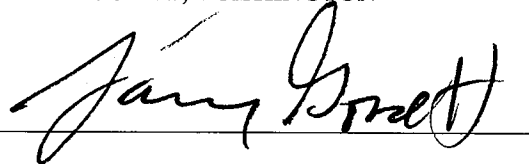
9 SECTION 1. This ordinance does hereby adopt and incorporate herein as its findings and
10 conclusions the findings and conclusions contained in the report and recommendation of the
11 hearing examiner dated September 19, 2011, to approve subject to conditions, the application for
12 public benefit rating system assessed valuation for open space submitted by Patrick and Jennifer
13 Husting for property located at 30130 NE 64th Way, Carnation, designated department of natural

14 resources and parks, water and land resources division file no. E11CT010, and the council does
15 hereby adopt as its action the recommendation or recommendations contained in the report.
16

Ordinance 17212 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 19, 2011

September 19, 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. **E11CT010**
Proposed Ordinance No. **2011-0335**
Adjacent Parcel No(s). **082507-9026**

PATRICK AND JENNIFER HUSTING

Open Space Taxation Application (Current Use Assessment) for Timber Land

Location: 30130 NE 64th Way, Carnation

Applicants: **Patrick and Jennifer Husting**
704 228th Avenue NE, #813
Sammamish, WA 98074
Telephone: (425) 868-1019

King County: Department of Natural Resources and Parks (DNRP)
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 14.71 acres (contingent)
Department's Final Recommendation:	Approve 14.71 acres (contingent)
Examiner's Recommendation:	Approve 14.71 acres (contingent)

PRELIMINARY REPORT:

The DNRP Report on file no. E11CT010 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):	Patrick and Jennifer Husting 704 228th Avenue NE, #813 Sammamish, WA 98074
Location:	30130 NE 64th Way, Carnation
STR:	SE 08-25-07
Zoning:	RA-10
Parcel no.:	082507-9026
Recommended Timber Land:	14.71 acres

(The land area recommended for timber land enrollment is the entire parcel less the excluded area (5.29 acres), which is what has been calculated by DNRP. In the event the County Assessor's official parcel size is revised, the qualifying acreage shall be administratively adjusted to reflect that change.)

2. Timely application was made to King County for timber land current use valuation of the property to begin in 2013. Notice of the application was given as required by law.
3. 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.
4. Participation in the timber land program is contingent upon submittal of a forest stewardship plan by **January 2, 2012** and approval and implementation by **March 1, 2012**. Failure to meet this requirement will preclude the property from enrollment in the timber land program at present.

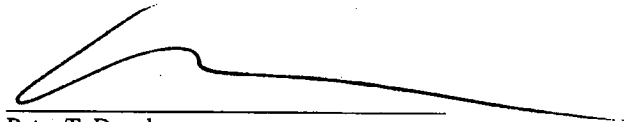
CONCLUSION:

The property proposed for current use valuation meets the requirements of KCC Section 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 14.71 acres, contingent on approval of a forest stewardship plan as noted in Finding no. 4 above, subject to compliance with and implementation of the forest stewardship plan and execution of the State of Washington, Department of Revenue, Open Space Taxation Agreement Form REV 64 0022(7-23-02).

DATED September 19, 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 3, 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 10, 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. E11CT010.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Bill Bernstein and Ted Sullivan, both 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 Preliminary 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

PTD/vsm