



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 1, 2004

Ordinance 14929

Proposed No. 2004-0130.2

Sponsors Phillips

1 AN ORDINANCE concurring with the recommendation of
2 the hearing examiner to deny the application for public
3 benefit rating system assessed valuation for open space
4 submitted by Leo Notenboom for property located at 17346
5 Northeast 147th Street, Woodinville, WA 98072,
6 designated department of natural resources and parks, water
7 and land resources division file no. E03CT036.

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10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

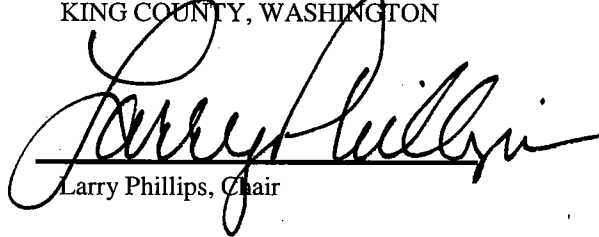
11 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
12 findings and conclusions the findings and conclusions contained in the report and
13 recommendation of the hearing examiner dated May 10, 2004, to deny the application for
14 public benefit rating system assessed valuation for open space submitted by Leo
15 Notenboom for property located at 17346 Northeast 147th Street, WA 98072, designated
16 department of natural resources and parks, water and land resources division file no.

17 E03CT036, and the council does hereby adopt as its action the recommendation or
18 recommendations contained in the report.
19

Ordinance 14929 was introduced on 3/15/2004 and passed by the Metropolitan King
County Council on 6/1/2004, by the following vote:

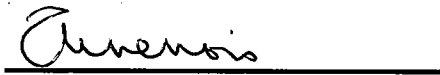
Yes: 10 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.
Pelz, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague and Mr. Irons
No: 0
Excused: 3 - Mr. McKenna, Ms. Patterson and Mr. Constantine

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated May 10, 2004

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources & Parks, Water and Land Resources Division File No.
E03CT036
Proposed Ordinance No. **2004-0130**

Open Space Taxation (Public Benefit Rating System)
Application of **Leo Notenboom**
17346 NE 147th St.
Woodinville, WA 98072

Location of Property: 17346 NE 147th Street
Woodinville, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Deny application
Department's Final:	Deny application
Examiner:	Deny application

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division, report on item no. E03CT036 was received by the Examiner on April 14, 2004.

PUBLIC HEARING:

After reviewing the Department of Natural Resources & Parks, Water and Land Resources Division, report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on item no. E03CT036 was opened by the Hearing Examiner at 2:15 p.m., April 28, 2004, in the Hearing Examiner's conference room, 400 Yesler Way, Room 404, Seattle, Washington, and closed at 2:19 p.m.

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 office of the King County Hearing Examiner.

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

FINDINGS:

1. General Information:

Owners: Leo and Kathy Notenboom
17346 NE 147th Street
Woodinville, WA 98072

Location: Same as above

Priority Resources Requested: **High Priority Resources**
Active or passive recreation area
Scenic resource, viewpoint or view corridor
Open space close to urban or growth area
Trail linkage
Farm and agricultural conservation land
Equestrian-pedestrian trail linkage
Medium Priority Resource
Public lands or right of way buffer
Bonus Resource
Contiguous parcels under separate ownership

Zoning: RA-2.5

Parcel no.: 132605-9148
Total acreage: 4.15
Requested for PBRs: 4.00
Recommended PBRs: 0.00*

Please note: *A minimum of 2.35 acres (home site, landscaping and driveways) would be excluded if the property qualified for a PBRs resource category.

STR: SW-SE-13-26-05

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources & Parks, Water and Land Resources Division, Preliminary Report to the King County Hearing Examiner for the April 28, 2004, public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the King County Council.

CONCLUSIONS:

1. Approval of current use valuation for 4.00 acres of the subject property, pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, as amended, would not 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.

2. Timely application has been made to King County for the current use valuation of the subject property to begin in 2005. Notice of said application was given in the manner required by law.
3. The subject property contains no qualifying characteristics of priority open space resources nor is it entitled to bonus points pursuant to the King County Public Benefit Rating System.

RECOMMENDATION:

DENY the request for current use valuation of 4.00 acres of the subject property.

RECOMMENDED this 10th day of May, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 10th day of May, 2004, to the following parties and interested persons:

Leo Notenboom
17346 NE 147th St.
Woodinville, WA 98072

Susan Monroe, Department of Assessments
Ted Sullivan, Dept. of Natural Resources & Parks
Charlie Sundberg, Office of Cultural Resources
Marilyn Cope, KCC – Committee Staff

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before May 24, 2004*. If a notice of appeal is filed, the original and six (6) 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 May 31, 2004*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd 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. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event 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 fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

Action of the Council is final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE APRIL 28, 2004, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E03CT036:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Ted Sullivan. No others participated in this hearing.

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

- Exhibit No. 1 *Not Submitted*
- Exhibit No. 2 *Not Submitted*
- Exhibit No. 3 *Not Submitted*
- Exhibit No. 4 PBRs Staff Report
- 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 program
- Exhibit No. 8 Legal notice and introductory ordinance to County Council
- Exhibit No. 9 Application
- Exhibit No. 10 Letter to Applicant re: received application and approval schedule
- Exhibit No. 11 Assessor's map
- Exhibit No. 12 King County Assessor's database printout
- Exhibit No. 13 Arcview/orthophoto map