



Signature Report

March 23, 2009

Ordinance 16402

Proposed No. 2009-0011.2

Sponsors Patterson

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 Investco Properties LLC for property located  
5 at 24606 NE 4th Street, Sammamish, WA 98074,  
6 designated department of natural resources and parks, water  
7 and land resources division file No. E08CT054.

8

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

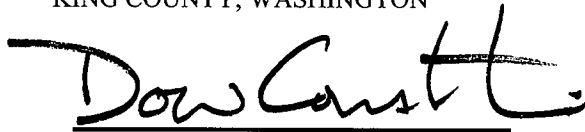
10 SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
11 findings and conclusions the findings and conclusions contained in the report and  
12 recommendation of the hearing examiner dated February 26, 2009, to deny the  
13 application for public benefit rating system assessed valuation for open space submitted  
14 by Investco Properties LLC for property located at 24606 NE 4th Street,  
15 Sammamish, WA 98074, designated department of natural resources and parks, water and  
16 land resources division file no. E08CT054, and the council does hereby adopt as its  
17 action the recommendation or recommendations contained in the report.

18

Ordinance 16402 was introduced on 1/12/2009 and passed by the Metropolitan King County Council on 3/23/2009, by the following vote:

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

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments**      A. Hearing Examiner Report dated February 26, 2009

February 26, 2009

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

400 Yesler Avenue, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654  
Email: [hearex@metrokc.gov](mailto:hearex@metrokc.gov)

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** Department of Natural Resources & Parks (DNRP), Water and Land Resources Division,  
file no. **E08CT054**  
Proposed Ordinance No. **2009-0011**

Open Space Taxation (Public Benefit Rating System; PBRs)  
Application of

**INVESTCO PROPERTIES LLC**

1302 Puyallup Street  
Sumner, Washington 98390

Location of Property: 24606 NE 4th Street  
Sammamish, 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. E08CT054 was received by the Examiner on January 30, 2009.

**PUBLIC HEARING:**

After reviewing the report and examining available information on file with the application, the Examiner conducted a public hearing on the application as follows:

The hearing on item no. E08CT054 was held by the Examiner on February 11, 2009, in the Hearing Examiner's Conference Room, 400 Yesler Way, Room 404, 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 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:**

Owner:	Investco Properties LLC 1302 Puyallup Street Sumner, WA 98390	
Property location:	24606 NE 4th Street Sammamish, WA 98074	
Zoning:	RA-5	
STR:	NW 35-25-06	
PBRS category requested:	<p><b>Open space resource</b> Shoreline: conservancy environment Significant wildlife or salmonid habitat Surface water quality buffer Urban open space</p> <p><b>Bonus category</b> Additional surface water quality buffer</p>	
Parcel:	352506-9024	352506-9027
Total acreage:	2.63	2.67
Requested PBRS:	2.63	2.67
Home site/excluded area:	2.63	2.67
Recommended PBRS:	0.00	0.00

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 for the February 11, 2009, public hearing are found 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.
3. Timely application was made to King County for current use valuation of the subject property to begin in 2010. Notice of the application was given as required by law.
4. The property's natural and open space attributes do not qualify it for award under any of the PBRS categories requested. Failure to qualify for award points disallows a reduced valuation under PBRS.

CONCLUSION:

1. Denial of current use valuation for 5.3 acres 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:

DENY current use valuation application as not qualifying under the PBRs criteria.

RECOMMENDED February 26, 2009.

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Peter T. Donahue  
King County Hearing Examiner

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

In order to appeal the recommendation 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 March 12, 2009*. If a notice of appeal is filed, the original and 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 March 16, 2009*. 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 3<sup>rd</sup> 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 14 days 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 which 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, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

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 FEBRUARY 11, 2009, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES & PARKS FILE NO. E08CT054:

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Bill Bernstein. There were no other participants 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 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 Assessor's map
- Exhibit No. 11 King County Assessor's database printout
- Exhibit No. 12 Arcview and orthophoto/aerial map
- Exhibit No. 13 Letter to neighbors re: notification of PBRS application
- Exhibit No. 14 Farm Management Plan

PTD:mls  
E08CT054 RPT