



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 25, 2011**

**Ordinance 17216**

**Proposed No. 2011-0336.2**

**Sponsors Gossett**

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 Lewis and Christine  
5           Palmer for property located at 34842 336th Avenue SE,  
6           Enumclaw, WA, designated department of natural  
7           resources and parks, water and land resources division file  
8           no. E11CT011.

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 October 4, 2011, to approve subject to  
13 conditions, the application for public benefit rating system assessed valuation for open  
14 space submitted by Lewis and Christine Palmer for property located at 34842 336th  
15 Avenue SE, Enumclaw, designated department of natural resources and parks, water and

16 land resources division file no. E11CT011, and the council does hereby adopt as its  
17 action the recommendation or recommendations contained in the report.  
18

Ordinance 17216 was introduced on 7/25/2011 and passed by the Metropolitan King  
County Council on 10/24/2011, by the following vote:

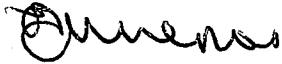
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.  
McDermott  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



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Anne Noris, Clerk of the Council

**Attachments:** A. Hearing Examiner Report dated October 3, 2011

October 3, 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](mailto:hearingexaminer@kingcounty.gov)

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

**SUBJECT:** Natural Resources and Parks File No. **E11CT011**  
 Proposed Ordinance No. **2011-0336**  
 Adjacent Parcel No(s). **222107-9037**

**LEWIS AND CHRISTINE PALMER**  
 Open Space Taxation (Public Benefit Rating System (PBRs))

**Location:** 34842 336th Avenue SE, Enumclaw

**Applicants:** **Lewis and Christine Palmer**  
 34842 336th Avenue SE  
 Enumclaw, WA 98022  
 Telephone: (425) 285-8400  
 Email: lewispalmer551@yahoo.com

**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](mailto:bill.bernstein@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve 16.22 acres for 20% of market value
Department's Final Recommendation:	Approve 16.22 acres for 20% of market value
Examiner's Recommendation:	Approve 16.22 acres for 20% of market value

**PRELIMINARY REPORT:**

The DNRP Report on file no. E11CT011 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 Conference Room West 1201, 12th Floor, KC 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):	<b>Lewis and Christine Palmer</b> 34842 336th Avenue SE Enumclaw, WA 98022
Location:	34842 336th Avenue SE, Enumclaw
PBRS categories requested and staff-proposed:	<p><b>Open Space Resources</b>            Buffer to public and current use classified land            Equestrian-pedestrian-bicycle trail linkage            Active trail linkage            Forest stewardship land            Historic landmark or archaeological site: buffer to a designated site            Rural open space            Scenic resource, viewpoint or view corridor            Significant wildlife or salmonid habitat            Surface water quality buffer            Watershed protection area</p> <p><b>Bonus Categories</b>            Additional surface water quality buffer            Conservation easement of historic easement            Easement and access</p>
Categories recommended:	<p><b>Open Space Resources</b>            Buffer to public and current use classified land            Forest stewardship land (<i>conditional</i>)            Rural open space            Significant wildlife or salmonid habitat            Surface water quality buffer</p> <p><b>Bonus Categories</b>            Additional surface water quality buffer</p>

STR: SE 22-21-07  
Zoning: F  
Parcel no.: 222107-9037  
Recommended PBRs: 16.22 acres

(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.

2. The property is currently enrolled in the forestland program. 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.
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. The property contains priority open space resources and is eligible for a total award of 23 points under the King County Public Benefit Rating System. The resulting current use valuation therefore would be 20% of market value for 16.22 acres of the property.
5. Additional credit may be awarded administratively under the forest stewardship land category *subject to submittal of a forest stewardship plan by February 2, 2012 and subsequent approval by April 2, 2012*. Award of credit under this category would increase the point total by 5 points to a total of 28 points, with no direct effect on the current use valuation for the enrolled portion of the property.

#### CONCLUSION:


Approval of current use valuation of 20% of market value for 16.22 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:

APPROVE current use valuation of 20% of market value for 16.22 acres of the property, subject to the conditions recommended in the DNRP report for the August 17, 2011 public hearing and the following conditional allowance:

1. Credit may be awarded administratively under the forest stewardship category as noted in Finding no. 5 above. Award under this category is *subject to submittal of a forest stewardship plan by February 2, 2012 and subsequent approval by April 2, 2012*. Award of credit under this category would increase the point total by 5 points to a total of 28 points, with no direct effect on the current use valuation for the enrolled portion of the property.

RECOMMENDED October 3, 2011.

  
Peter T. Donahue  
King County Hearing Examiner

### RIGHT TO 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 17, 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 24, 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. E11CT011.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Ted Sullivan and Bill Bernstein, 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	<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 signed/notarized
Exhibit no. 10	Legal description of area to be enrolled
Exhibit no. 11	Arcview and orthophoto/aerial map
Exhibit no. 12	<i>Reserved for future submission of forest stewardship plan</i>

PTD/vsm