



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

January 31, 2012

Ordinance 17260

Proposed No. 2011-0464.2

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 Jennett Morgan for property located
5 at 78xx Tolt Highlands Road NE, WA, designated department of
6 natural resources and parks, water and land resources division
7 file no. E11CT012.

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 January 3, 2012, to approve subject to conditions, the application for
12 public benefit rating system assessed valuation for open space submitted by Jennett Morgan for
13 property located at 78xx Tolt Highlands Road NE, designated department of natural resources

14 and parks, water and land resources division file no. E11CT012, and the council does hereby
15 adopt as its action the recommendation or recommendations contained in the report.
16

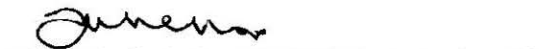
Ordinance 17260 was introduced on 11/14/2011 and passed by the Metropolitan King County Council on 1/30/2012, by the following vote:

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 January 3, 2012

January 3, 2012

**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. **E11CT012**
Proposed Ordinance No. **2011-0464**
Parcel No(s). **1125079105**

JENNETT MORGAN
Open Space Taxation (Public Benefit Rating System (PBRs))

Location: 78xx Tolt Highlands Road NE, Carnation area

Applicant: **Jennett Morgan**
9321 322nd Way NE
Carnation, WA 98014
Telephone: (425) 333-0588
Email: v-jemor@microsoft.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

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation: Approve 12.36 acres for 40% of market value (30% conditionally)
Department's Final Recommendation: Approve 12.36 acres for 40% of market value (30% conditionally)
Examiner's Recommendation: Approve 12.36 acres for 40% of market value (30% conditionally)

PRELIMINARY REPORT:

The DNRP Report on file no. E11CT012 was received by the Examiner on November 23, 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 December 7, 2011, in the West 1201 Conference

*This report was originally issued on January 3, 2012, though the date was incorrectly noted as January 3, 2011. This corrected version includes no other changes that to correct the date typographical error, and therefore the appeal deadlines are not affected.

Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle, Washington. The affidavit of notice publication was received December 7, 2011.

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):	Jennett Morgan 9321 322nd Way NE Carnation, WA 98014
Location:	78xx Tolt Highlands Road NE
PBRs categories requested:	Open Space Resources Buffer to public and current use classified land Forest stewardship land Rural open space Significant wildlife or salmonid habitat Watershed protection area
Categories recommended:	Open Space Resources Buffer to public and current use classified land Forest stewardship land (conditional) Rural open space Significant wildlife or salmonid habitat
STR:	NW 11-25-07
Zoning:	RA-5 SO
Parcel no.:	1125079105
Recommended PBRs:	12.36 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.)

- 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 at the December 7, 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 13 points under the King County Public Benefit Rating System. The resulting current use valuation therefore would be 40% of market value (30% conditionally) for 12.36 acres.

5. Additional credit may be awarded administratively under the forest stewardship land category subject to approval of a forest stewardship play by April 2, 2012. Award of credit under this category would increase the point total by 5 points, resulting in a current use valuation of 30% for the enrolled portion of the property.

CONCLUSION:


1. Approval of current use valuation of 40% of market value (30% conditionally) for 12.36 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 40% of market value (30% conditionally) for 12.36 acres of the property, subject to conditions recommended in the DNRP report and the following additional condition:

- A. Additional credit may be awarded administratively under the forest stewardship land category subject to approval of a forest stewardship play by April 2, 2012. Award of credit under this category would increase the point total by 5 points, resulting in a current use valuation of 30% for the enrolled portion of the property.

DATED January 3, 2012.
(corrected version issued January 25, 2012)



Peter T. Donahue
King County Hearing Examiner

NOTICE OF 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 **January 17, 2012**. 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 **January 24, 2012**.

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

MINUTES OF THE DECEMBER 7, 2011, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES AND PARKS FILE NO. E11CT012.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Bill Bernstein 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	<i>Reserved for future submission of legal description of area to be enrolled</i>
Exhibit no. 11	Letter to applicant re: received application and approval schedule
Exhibit no. 12	Arcview and orthophoto/aerial map
Exhibit no. 13	Revised site map
Exhibit no. 14	<i>Reserved for future submission of forest stewardship plan</i>

PTD/vsm

January 3, 2012

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CERTIFICATE OF SERVICE

SUBJECT: Department of Natural Resources and Parks File No. **E11CT012**
Proposed Ordinance No. **2011-0464**
Parcel No(s). **1125079105**

JENNETT MORGAN
Open Space Taxation (Public Benefit Rating System (PBRs))

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that on January 3, 2012, I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** as follows:

Bill Bernstein
201 S Jackson Street Suite 600
Seattle, WA 98104

Jennett Morgan
9321 322nd Way NE
Carnation, WA 98014

Wendy Morse
500 Fourth Avenue
Seattle, WA 98104

Mike Reed
516 Third Avenue Room 1200
Seattle, WA 98104

Ted Sullivan
201 S Jackson Street Suite 600
Seattle, WA 98104

Charlie Sundberg
201 S Jackson Suite 700
Seattle, WA 98104

- EMAILED to all County staff listed as parties of record/interested persons and primary parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties of record/interested persons at the addresses indicated on the list attached to the original Certificate of Service.
- caused to be placed via County **INTEROFFICE MAIL** to County staff on the list attached to the original Certificate of Service.

DATED January 3, 2012.
(corrected version issued January 25, 2012)



Vonetta Mangaoang
Legislative Secretary

\vsm