



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 2, 2013

Ordinance 17550

Proposed No. 2013-0059.2

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 Lynn Cash and Mark
5 Wolfram for property located at 13324 242nd Avenue NE,
6 Woodinville, WA, designated department of natural
7 resources and parks, water and land resources division file
8 no. E12CT030.

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 March 8, 2013, to approve subject to
13 conditions, the application for public benefit rating system assessed valuation for open
14 space submitted by Lynn Cash and Mark Wolfram for property located at 13324 242nd
15 Avenue NE, Woodinville, WA, designated department of natural resources and parks,

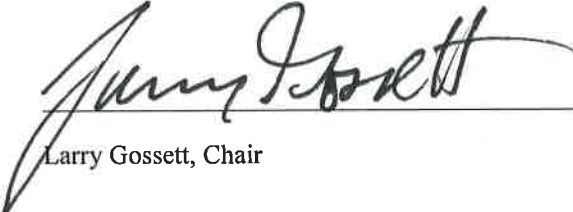
16 water and land resources division file no. E12CT030, and the council does hereby adopt
17 as its action the recommendation or recommendations contained in the report.

18

Ordinance 17550 was introduced on 2/4/2013 and passed by the Metropolitan King
County Council on 4/1/2013, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Mr. Dunn, Mr. McDermott and Mr. Dembowski
No: 0
Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Hearing Examiner Report dated March 8, 2013

March 8, 2013

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
King County Courthouse, Room 1200
516 Third Avenue
Telephone (206) 296-4660
Facsimile (206) 296-0198
hearingexaminer@kingcounty.gov

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

SUBJECT: Department of Natural Resources and Parks File No. **E12CT030**
Proposed Ordinance No. **2013-0059**

LYNN CASH AND MARK WOLFRAM
Open Space Taxation Application (Public Benefit Rating System)

Location: 13324 242nd Avenue NE, Woodinville

Applicants: **Lynn Cash and Mark Wolfram**
13324 242nd Avenue NE
Woodinville, WA 98077
Telephone: (425) 844-1882
Email: lyncash@msn.com

King County: Department of Natural Resources and Parks
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 6.4 acres for 50% of market value |
| Department's Final Recommendation: | Approve 6.4 acres for 50% of market value |
| Examiner's Recommendation: | Approve 6.4 acres for 50% of market value |

PRELIMINARY REPORT:

On February 14, 2013, DNRP submitted its report on file no. E12CT030 to the Examiner.

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 February 27, 2013, in the Ginger Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner continued the hearing administratively for receipt of the affidavit of notice publication, later received February 28, 2013, at which time the hearing record closed.

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:

| | |
|----------------|------------------------------------------------------------------------------|
| Owners: | Lynn Cash and Mark Wolfram 13324 242nd Avenue NE Woodinville, WA 98077 |
| Location: | 13324 242nd Avenue NE, Woodinville |
| STR: | SW 23-26-06 |
| Zoning: | RA-5, RA-10 |
| Parcel nos.: | 2326069019, 2226069038, 2226069037, 2226069040, 2226069036 |
| Total Acreage: | 26.03 acres |

2. The Applicants timely filed an application to King County for PBRs program current use valuation of the property to begin in 2014. As required by law, notification of the application occurred.

3. A summary of relevant PBRs categories follows below. (Plain text represents a category an applicant requested an award for and that DNRP agrees is warranted. Any ~~strike through~~ represents a category an applicant requested an award for but that DNRP disagrees is warranted. Any *italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And any *asterisks* represent a category where DNRP finds an award is warranted, but only if certain contingencies or conditions are met.)

| | | |
|------------------|-------------------------------------------------|---------|
| PBRS categories: | <u>Open Space Resources</u> | |
| | Timber Land | |
| | <u>Significant wildlife or salmonid habitat</u> | 5 |
| | | <hr/> 5 |

The DNRP-recommended score of 5 points results in a current use valuation of 50% of the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicant requested 26 acres and DNRP recommends 6.4 acres. (Enrollment acreage is the entire parcel less the excluded area, as 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.)
5. Except as modified herein, the facts set forth in the DNRP preliminary report and testimony at the February 27, 2013, public hearing are correct and incorporated herein by reference. Copies of this report and the department report will be provided to the Metropolitan King County Council for final approval.
6. As reported at hearing and noted in exhibit no. 13, the home site exclusion areas for parcels 2226069036 and parcel 2226069040 are increased (for 2226069036, from 3.35 to 4.00 acres, and for 2226069040, from 4.05 to 4.40 acres). Thus, the total enrollable acreage is reduced from 7.4 to 6.4 acres.


CONCLUSION:

1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 5 points and a current use valuation of 50% of market value for 6.4 acres of the property 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:

1. APPROVE current use valuation of 50% of market value for the 6.4-acre enrolled portion of the property.

DATED March 8, 2013.



 David W. Spohr
 Interim Deputy King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation 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 **March 22, 2013**. 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 **March 29, 2013**.

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 FEBRUARY 27, 2013, PUBLIC HEARING ON NATURAL RESOURCES AND PARKS FILE NO. E12CT030.

David W. Spohr was the Hearing Examiner in this matter. Bill Bernstein and Megan O'Brian both participated in the hearing 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 report to the Hearing Examiner |
| Exhibit no. 5 | Affidavit of publication received February 28, 2013 |
| 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 |
| Exhibit no. 13 | Email to application re: adjustments to staff report on acreage enrolled |

DWS/vsm